

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

GERARD MORRISON, et al.,)
)
 Plaintiff,)
)
vs.)
)
COUNTY OF FAIRFAX, VA.,)
)
 Defendants.)
)
)
)

Civil Action No. 1:14cv5

Judge Hilton
Magistrate Judge Anderson

**APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT ON THE ISSUE OF DEFENDANT'S LIABILITY FOR ITS FAILURE TO
PAY FAIR LABOR STANDARDS ACT OVERTIME PAY TO ITS FIRE CAPTAINS**

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August 8, 2014

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MAURA M. ARDIKE - 6/13/2014

Page 1

UNITED STATES DISTRICT COURT
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- - - - - x
GERARD MORRISON, et al., :
Plaintiffs, : Civil Action No.
v. : 1:14cv5
COUNTY OF FAIRFAX, VIRGINIA, :
Defendant. :
- - - - - x

Deposition of MAURA M. ARDIKE

McLean, Virginia

June 13, 2014

2:30 p.m.

Job No.: 1-249896

Pages: 1 through 181

Reported by: Sandria L. Cox

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1 all have different clear times?

2 A Yes.

3 Q. You did not measure the time from
4 the time the Captains --.

5 This is all Captains, right, that
6 you measured?

7 A. Uh-huh.

8 Q. -- from the time the Captains left
9 the station until the time they were back in
10 quarters at the station; is that correct?

11 A. I did the time that the unit was
12 dispatched to the time that they were clear.

13 Q. So am I correct in my statement then
14 it wasn't measurement between dispatched and
15 back in quarters? Is that correct?

16 A. It was not a measurement of dispatch
17 and back in quarters. It was a measurement of
18 dispatch to clearing the incident.

19 Q. Okay. And if they cleared an
20 incident and got called to another incident
21 before they were back in quarters, how was that
22 measured in your report?

1 but you can't do analysis on a time that
2 doesn't exist.

3 So there was only four.

4 Q. So four shift days were excluded
5 from the analysis because the data was blank in
6 the FireRMS system; is that right?

7 A Yes.

8 Q. "Note, this data is reliant on the
9 assumption that if a person responded to an
10 incident, then he or she worked a full shift
11 day."

12 What is your understanding of a full
13 shift day for the firefighter?

14 A. A shift day would be from 0700 to
15 0700. Twenty-four hours.

16 There is no inferences or anything
17 made specifically about or said about the data
18 being like a certain percent of the day because
19 it's just assuming that if they went on a call,
20 a shift day is defined as 24 hours.

21 Q. So some of this data for the 3,373
22 hours could be on days where they were just

1 held over for an hour or two or worked half a
2 shift and then took leave for the rest of the
3 day; is that right?

4 A. Potentially, yes.

5 Q. The 7 individuals above responded to
6 10,425 incidents. And you got that by -- on
7 the Excel spreadsheet, adding up the incident
8 numbers?

9 A. The number of incidents. Uh, I
10 would have to look at that again to doubly
11 confirm, because sometimes when we say
12 "incidents" we mean "responses" and
13 "responses" and "incidents" are two different
14 things.

15 Q. So this could be these guys went on
16 10,4025 calls or it could mean that --.

17 I mean, incidents -- more than one
18 engine can go on an incident; right?

19 A Yes. So that's a response.
20 Incidents, the terminology, we use that for a
21 unique incident. So I would have to confirm.

22 Q. As you sit here, you're not sure

1 Q. Yes. So if I go down to dispatch to
2 clear time inclusion --

3 A. Uh-huh.

4 Q. -- did you exclude any calls that
5 may have lasted more than 12 hours in your
6 study?

7 A. Any singular unit response that went
8 over the 12-hour threshold would have been
9 excluded and it was under one percent of all --

10 Q. All of the calls?

11 A Yes. It was a very small --

12 Q. And did you determine on your own to
13 exclude calls over 12 hours, or did you get
14 that instruction from counsel?

15 A. That was based off of prior
16 experience and my knowledge in this field doing
17 these types of analysis for Fire Departments.

18 Q. Do you know whether that was a call
19 or --.

20 When I say "call," I'm talking about
21 what you measured, which is dispatch to clear
22 time.

1 "Summary Results." Is that all 176 Captains
2 who you were told to do the analysis on?

3 A. Uh-huh.

4 Q. Yes?

5 A Yes, it is.

6 Q. And so the total time that they
7 spent from clear to dispatch from November 10th
8 -- or however many shifts they worked from
9 November 10, 2010 up through January 1, 2014 --
10 was 67,648 hours, besides the exceptions that
11 you already talked about?

12 A. So then it was rounded to the
13 nearest hour and it's the amount of time that
14 they were in that rank.

15 Q. Right. Based on Exhibit -- what was
16 it? -- 62.

17 A. Yes.

18 Q. And the number of dispatches during
19 that time period for the period of time they
20 were in the rank based on Exhibit 62 was
21 190,299 dispatches?

22 A. Yes.

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UNITED STATES DISTRICT COURT
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-----x

GERARD MORRISON, et al., :
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COUNTY OF FAIRFAX, VA., :
Defendant. :

-----x

Videotaped Deposition of OSCAR L. BEASLEY, JR.
McLean, Virginia
Tuesday, June 3, 2014
8:51 a.m.

Job No.: 59004

Pages: 1 - 342

Reported By: Rebecca Stonestreet, RPR, CRR

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

30

1 is very hands-on every single day. 09:12:19

2 Q And would you say that what you do is the 09:12:24
3 same as what every other Captain I has done in the 09:12:26
4 station -- in their stations? 09:12:30

5 A There may be some unique changes to my 09:12:32
6 position because I'm also an advanced life support 09:12:38
7 provider, meaning if I'm on the fire engine, I may 09:12:41
8 render advanced medical care that another Captain I 09:12:47
9 that's not a medic does not have the capability to 09:12:52
10 do. 09:12:55

11 But yes, by and large all the Captain I's 09:12:55
12 I know are hands-on supervisors engaged in 09:13:00
13 day-to-day operations every day they're at work. 09:13:04

14 Q So is your understanding that the 09:13:07
15 difference is whether you're upper echelon or 09:13:14
16 whether you're hands-on? 09:13:18

17 MS. BURROUGHS: Extent of the question -- 09:13:19
18 objection to the extent the question calls for a 09:13:20
19 legal conclusion. 09:13:22

20 Q You can answer. 09:13:23

21 A Could you say the question again? 09:13:24

22 Q Is -- so is it your understanding - and 09:13:26

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

35

1 department?

09:18:06

2 A August 6th of '84, I believe, was the day

09:18:07

3 I was hired as a civilian in a position within the

09:18:14

4 fire department. And then October 15th, '85, I

09:18:17

5 believe, is when I left trucking school.

09:18:23

6 Q I'm sorry. Can you say the last part

09:18:26

7 again?

09:18:28

8 A I believe October 15th, 1985, is when I

09:18:29

9 left -- when I graduated from the fire academy, I

09:18:33

10 believe.

09:18:35

11 Q Okay. And if I remember correctly,

09:18:35

12 you -- when we were doing introductions last Friday

09:18:44

13 you said you were retired?

09:18:47

14 A Yes, ma'am.

09:18:50

15 Q Okay. Can you tell me when you retired?

09:18:51

16 A I believe my last day in the field was

09:18:53

17 May 14th, 2014, of this year. Yeah.

09:18:55

18 Q And what was your position at retirement?

09:19:03

19 A I was a captain assigned to Engine 427 on

09:19:05

20 B-shift.

09:19:09

21 Q Were you a Captain I?

09:19:10

22 A Yes, ma'am.

09:19:21

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

47

1	a list?	09:32:19
2	MS. BURROUGHS: Objection. Speculation.	09:32:20
3	A Every promotional list -- at the	09:32:22
4	conclusion of the test, a list is generated and	09:32:25
5	people are placed on the list depending on how well	09:32:33
6	they did on the test.	09:32:35
7	Q Okay. Do you have to apply every time	09:32:37
8	there's a promotional test in order to be on the	09:32:44
9	list?	09:32:46
10	A As far as I know you have to file some	09:32:47
11	kind of -- excuse me, résumé, with the county.	09:32:49
12	Which is kind of crazy that you have to apply with	09:32:56
13	a résumé with the agency that you currently work	09:32:59
14	for. One would think they would already know.	09:33:01
15	But anyhow, it's the system, it's the	09:33:03
16	bureaucracy that we work with. So yes, I had to	09:33:06
17	fill one out to take the Captain II's test, so I	09:33:09
18	did it.	09:33:13
19	Q Do you have a copy of the résumé that you	09:33:13
20	prepared for that?	09:33:16
21	A No, but I'm sure the county has it on	09:33:17
22	file. It has to be done electronically. So I'm	09:33:17

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

120

1 Q And does -- I'm sorry. Say that part 11:21:58

2 again. 11:22:02

3 A When I'm on the engine as the medic, if 11:22:02

4 I'm the only ALS provider there, then I need to 11:22:05

5 render care. 11:22:09

6 Q If the medic truck isn't there? 11:22:10

7 A Well, even if they are there. If the 11:22:12

8 call is bad enough -- it's just like a fire. I 11:22:15

9 mean, we live in real world with real dynamic 11:22:18

10 scenes, and I haven't met a patient yet that cared 11:22:22

11 what your badge said or what rank you held. They 11:22:25

12 want to get help. And I can't say to my guys, "You 11:22:29

13 know what? She's an older lady throwing up and I 11:22:32

14 got 10 years on the job; I'm not going to do that." 11:22:35

15 It doesn't work that way. So... 11:22:37

16 Q I meant only that you said you were the 11:22:39

17 only ALS person there. That would be only if the 11:22:41

18 engine was the only apparatus. But if there was an 11:22:45

19 engine and a medic, you would not be the only 11:22:48

20 ALS-certified person there. Correct? 11:22:52

21 A Correct. I would not be the only 11:22:53

22 ALS-certified person. 11:22:55

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

121

1 But the other -- I guess what I'm trying 11:22:56
2 to say is the only other person being there doesn't 11:22:58
3 mean I'm not going to render care. It doesn't mean 11:23:00
4 that I'm not going to be involved in hands-on care. 11:23:03

5 Q And is an incident report still filled 11:23:05
6 out for such a call even though it's not an 11:23:08
7 incident? 11:23:11

8 A Sure. Sure. A report is certainly 11:23:12
9 filled out for every call. Every piece of 11:23:14
10 equipment fills out a report for every call. 11:23:16

11 Q Okay. And so for this type of call where 11:23:18
12 it's just an engine and a medic. 11:23:22

13 A Uh-huh. 11:23:24

14 Q There's no incident commander. Right? 11:23:24

15 A There's not really an incident commander, 11:23:28
16 but there's -- the officer in charge of each 11:23:32
17 individual unit is the officer in charge of that 11:23:34
18 unit. 11:23:40

19 Q So when it was your team at Fire 11:23:41
20 Station 31 and your team at Fire Station 27, there 11:23:46
21 was no lieutenant. Right? 11:23:48

22 A Yes, ma'am. That's correct. 11:23:49

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

145

1 second-arriving engine, that's what you're supposed 11:50:21
2 to do. But in the same -- but in the same sense, 11:50:23
3 if there's a lieutenant riding on that engine, he's 11:50:32
4 going to assume command too. 11:50:35

5 Q Okay. 11:50:36

6 A And I can't say to him, "Well, you're a 11:50:37
7 lieutenant; I'm a captain; you can't tell me what 11:50:40
8 to do." You better believe if that lieutenant who 11:50:42
9 has command says, "We need to go here and break out 11:50:45
10 that window," then that's what I'm doing. 11:50:48

11 I wouldn't walk up to him and go, "Hey, 11:50:50
12 I'm here now. I got it." It doesn't work that 11:50:53
13 way. 11:50:56

14 Q How many lieutenants are assigned to ride 11:50:56
15 engines regularly? 11:51:00

16 A I don't know of any lieutenants that are 11:51:02
17 assigned to ride engines. They're assigned 11:51:04
18 primarily to trucks and heavy-duty rescue squads. 11:51:07
19 But they ride on engines every single day in the 11:51:14
20 county. 11:51:17

21 Q When they're riding up as a captain. 11:51:17
22 Right? 11:51:21

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

146

1 A When they're filling in as a captain's 11:51:21
2 position. Because there's almost no difference 11:51:23
3 operationally. There's practically zero difference 11:51:27
4 operationally between an engine lieutenant and, for 11:51:31
5 that matter, a Captain II when they're operating on 11:51:34
6 that engine. 11:51:37

7 Q Right. But when the lieutenant is riding 11:51:39
8 that engine -- 11:51:39

9 A Yes, ma'am. 11:51:39

10 Q They're riding as a captain. They're not 11:51:39
11 riding a lieutenant. Right? They're filling in 11:51:41
12 for a captain? 11:51:44

13 A They're holding a supervisory role. So 11:51:45
14 they could be filling in -- they're filling in as a 11:51:48
15 supervisor. So yes, when the lieutenant -- it's 11:51:51
16 not so much that it's a captain as much as it is 11:51:53
17 that's where the supervisor rides. That's the role 11:51:57
18 that you have. 11:52:01

19 So as a lieutenant -- for example, a 11:52:02
20 lieutenant might be required to work overtime where 11:52:07
21 a station Captain II is not -- for example, if the 11:52:13
22 station commander captain at 27 calls in sick, they 11:52:17

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

147

1 may have a lieutenant come work overtime and fill 11:52:21
2 his position, and he will do exactly the same thing 11:52:23
3 the Captain II would do because that's his role for 11:52:26
4 that day. 11:52:29

5 But yeah, lieutenants ride engines every 11:52:30
6 single day in the county. 11:52:33

7 Q Right. When they're -- and just so I 11:52:35
8 understand your answer, when they're doing that, 11:52:36
9 they're filling in for a captain. Correct? 11:52:39

10 A They're riding as a supervisor. And in 11:52:41
11 our department, captains ride engines. But that's 11:52:45
12 not exactly normative. In other departments 11:52:49
13 captains ride trucks. They don't ride engines. 11:52:51

14 So it's a matter of how our department 11:52:54
15 has decided where the captains are going to be. 11:52:57

16 Q So when you say "our department," the 11:52:59
17 Fairfax County fire department? 11:53:02

18 A Yes, I'm sorry. Yes, ma'am. The 11:53:03
19 Fairfax County fire department. 11:53:04

20 Q Okay. 11:53:04

21 A Captain I's are assigned to engines. 11:53:06

22 Q And Captain II's are assigned to engines 11:53:08

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

148

1	as well. Right?	11:53:10
2	A Yes, ma'am.	11:53:11
3	Q Okay. And when a lieutenant fills in for	11:53:11
4	a captain, they go through some training before	11:53:14
5	they do that. Right?	11:53:17
6	A Not really. I mean, because what they're	11:53:17
7	doing is operational. They're not -- at a fire	11:53:23
8	they're going to do pretty much the same exact	11:53:28
9	thing. They're going to pull hose, they're going	11:53:31
10	to search, they're going to hook ceiling, they're	11:53:34
11	going to do whatever type of suppression activities	11:53:36
12	that any suppression piece would do. He's filling	11:53:40
13	a role on that -- on that engine.	11:53:44
14	Q You're not -- you're not saying that a	11:53:47
15	lieutenant would be assigned to fill in for a	11:53:49
16	captain without having any experience riding in	11:53:53
17	that engine as a captain before.	11:53:56
18	A No. I mean, they -- it's conceivable	11:54:00
19	that -- for example, when you get promoted from --	11:54:05
20	this is all theory: An engine driver gets promoted	11:54:10
21	to lieutenant. That lieutenant has opted to work	11:54:14
22	overtime on a particular day. There is nothing	11:54:19

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

169

1	time.	13:10:08
2	Q And is this referring to -- if you turn	13:10:09
3	to the page 6 of the evaluation form that's	13:10:13
4	attached.	13:10:19
5	MS. BURROUGHS: Are we looking at	13:10:25
6	Bates 3295?	13:10:29
7	MS. REWARI: Yes.	13:10:31
8	A Yes, ma'am.	13:10:31
9	Q Okay. You see there's a Section D:	13:10:32
10	"Overall assessment of employee's performance"?	13:10:34
11	A Uh-huh.	13:10:36
12	Q Okay. And the rating that is fourth	13:10:36
13	down: "Performance exceeds agency minimum	13:10:38
14	standards for all critical job elements. Employee	13:10:43
15	qualifies for a merit pay increment." Right?	13:10:46
16	A Uh-huh.	13:10:48
17	Q And so by -- if this box or higher is	13:10:49
18	checked, then that's a recommendation for the merit	13:10:57
19	pay increment. Correct?	13:10:59
20	MS. BURROUGHS: Objection. Speculation.	13:11:00
21	A Well, you're given, obviously, a criteria	13:11:02
22	to check, and you check whichever one you think	13:11:07

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

170

1 best suits the person. 13:11:11

2 The problem here is, these are kind of 13:11:13

3 like automatic. I mean, it's not as though I'm 13:11:16

4 approving their raise, because if I was able to 13:11:20

5 stop it, I would have to have a host of 13:11:24

6 documentation, plus they would have to have a 13:11:27

7 10-week letter of improvement beforehand. 13:11:29

8 So this is kind of -- kind of a routine 13:11:32

9 thing. It's the exception, not the rule. 13:11:35

10 Q Okay. But the -- you see the entry 13:11:37

11 that's before "EMS" that says "MMS"? 13:11:40

12 A Yes, ma'am. 13:11:42

13 Q "Performance meets but does not exceed 13:11:43

14 agency standards. Employee does not qualify for a 13:11:46

15 merit increment on basis of current performance"? 13:11:49

16 A Uh-huh. Right. 13:11:52

17 Q So an evaluator can check that box? 13:11:52

18 A Right. Well, in my role, somebody has to 13:11:58

19 fill this out. It happens to be me. But I can 13:12:01

20 assure you that I cannot, on my own, check that 13:12:04

21 they can't meet the standard. There would have to 13:12:10

22 be overlaying supervision. My battalion chief 13:12:12

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

242

1 subordinate came to me and said, "Did you know this 14:37:14
2 occurred?" 14:37:16

3 So then as an officer, I'm duty bound -- 14:37:17
4 like they're duty bound to report it to me, I'm 14:37:21
5 duty bound to report it to my superior. And then I 14:37:24
6 just follow the departmental protocol. 14:37:31

7 But like I said, I can't -- I can't 14:37:33
8 change his -- I can't make anybody's discipline 14:37:35
9 greater or less. All I do is fill out the 14:37:38
10 paperwork that's required. 14:37:41

11 Q Do you make a recommendation, though, as 14:37:44
12 far as, "Hey, this should be" -- you know, "this 14:37:47
13 should be an oral or this should be a written" to 14:37:50
14 Chief Graling and discuss with him what it should 14:37:53
15 be? 14:37:56

16 A You can. You can give your opinion. It 14:37:56
17 has no weight whatsoever, I don't think. Because, 14:38:01
18 you know, somebody with a lot more bugles than I am 14:38:10
19 is making the decision about what kind of 14:38:14
20 discipline this type of employee gets. 14:38:17

21 This is not your run of the mill, "Hey, 14:38:18
22 you're late." You see one or two other people's 14:38:20

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

243

1 name come up one time in a year or two years. This 14:38:24

2 person is flavor of the quarter. So... 14:38:27

3 So I'm not -- I'm not given any latitude 14:38:33

4 on discipline at all. I go to the department's 14:38:37

5 protocol, I fill out what the SOP says I have to 14:38:40

6 fill out, I write where I'm required to write 14:38:43

7 something. I call the battalion chief back, 14:38:50

8 consult with him. He says "yes" or "no" or "change 14:38:52

9 this" or "change that" or "wait." I've been told 14:38:55

10 before, "Wait. I'll get back to you." And he 14:38:57

11 can't even tell me what to do until the deputy 14:39:00

12 chief tells him. So... 14:39:03

13 But I'm not privy to those conversations, 14:39:04

14 but I'll -- you know, sometimes the battalion chief 14:39:06

15 will say, "Well, I'm waiting for some input from 14:39:08

16 the deputy chief before that occurs." 14:39:11

17 Q Did this person do -- did this person 14:39:14

18 have other infractions or rule violations that you 14:39:21

19 didn't give an oral reprimand for? 14:39:27

20 A I don't know. I mean, it's possible, but 14:39:30

21 I -- you know, can't recall. 14:39:34

22 Q Well, do you have employees sometimes 14:39:35

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

244

1 that you say, "Well, you know, this person made a 14:39:37
2 mistake but it's their first time; I'm going to 14:39:40
3 take them aside and talk to them instead of taking 14:39:43
4 it up the chain"?

5 A It depends -- well, it depends. 14:39:48

6 MS. BURROUGHS: Objection. Asked and 14:39:50
7 answered. 14:39:51

8 A If you're driving the engine and you hit 14:39:54
9 something, there's nothing I can do about it. 14:40:00

10 Q Right. Right. 14:40:03

11 A But if you make some offhand comment that 14:40:04
12 could be construed as racist or sexist, I can't 14:40:08
13 unfire that gun. So...

14 Q But if it's made to you, you have the 14:40:16
15 choice whether you report it or not. Right? 14:40:18

16 MS. BURROUGHS: Objection. Asked and 14:40:21
17 answered. 14:40:21

18 A I'm not -- I'm not following you. 14:40:22

19 Q Well, if a complaint is made to you or 14:40:25
20 some conduct happens in front of you -- let me give 14:40:31
21 you a more specific example. 14:40:38

22 If someone doesn't do their time and 14:40:40

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

245

1	attendance reporting and that's the only mistake	14:40:44
2	they're making, do you give them an oral reprimand	14:40:47
3	every time?	14:40:50
4	MS. BURROUGHS: Objection to the	14:40:50
5	hypothetical.	14:40:51
6	A No. At first blush I would say no, but I	14:40:53
7	don't know. They're all -- it's all, you know, a	14:40:55
8	unique set of circumstances.	14:41:00
9	Q Right. It depends on the circumstances.	14:41:01
10	Right?	14:41:03
11	A Right. But if they break the county's	14:41:03
12	protocol in a certain area, there's not really a	14:41:07
13	whole lot of latitude.	14:41:09
14	Q Okay. Let's look at Exhibit 277.	14:41:10
15	Do you recognize this as a calendar	14:41:32
16	entry?	14:41:34
17	A Not specifically.	14:41:34
18	Q Okay. Do you recall meeting with this	14:41:37
19	person on or about April 29, 2014?	14:41:39
20	A There's a problem with this. This is	14:41:44
21	April of this year. I don't think this employee	14:41:52
22	was working for me then, so I don't know how I	14:41:56

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

258

1 A Well, because they're the same rank. 14:56:41

2 Q Right. So -- 14:56:44

3 A So in that case, yeah, that one would 14:56:47
4 have to come from me. So... 14:56:50

5 Q And even though the lieutenant in this 14:56:52
6 instance was filling in as a captain, he had to be 14:56:54
7 disciplined by the captain. Right? Or he could be 14:56:59
8 disciplined by the captain. Right? 14:57:06

9 A Yes. Yes. His role and responsibilities 14:57:07
10 that day consisted of making sure staffing was done 14:57:09
11 so it did not inadvertently affect the operations 14:57:13
12 of the fire department. Which it did, because it 14:57:17
13 resulted in somebody being late and another 14:57:19
14 employee having to be held over and thus paid 14:57:21
15 overtime for being held. Because we can't just 14:57:24
16 leave when we feel like it. 14:57:29

17 Q So even though he was filling in for you 14:57:30
18 that day, because he didn't follow the rules and 14:57:32
19 regulations that you've cited here correctly, you 14:57:40
20 could discipline him? 14:57:43

21 MS. BURROUGHS: Objection. Asked and 14:57:44
22 answered. 14:57:45

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

259

1	Q	You as a Captain I could still discipline	14:57:45
2		him?	14:57:49
3	A	No, I can't discipline anybody.	14:57:50
4	Q	You as a Captain I could sign this	14:57:52
5		discipline on 279. Right?	14:57:54
6	A	I have to sign it. If they get it, it	14:57:56
7		has to be reviewed by a supervisor. But I cannot	14:57:58
8		initiate any discipline at all on my own. I am	14:58:02
9		following departmental recommendations and	14:58:05
10		directives from those that are higher rank than I	14:58:07
11		am. And whether I want to do it or not is	14:58:12
12		irrelevant, because if I don't, then I get one of	14:58:14
13		these.	14:58:17
14	Q	Did you want to do it in this instance?	14:58:18
15	A	I don't recall. But I suspect it was	14:58:20
16		irritating.	14:58:24
17	Q	Right.	14:58:25
18	A	But again, my personal feelings are	14:58:26
19		immaterial. There's a protocol that we have to go	14:58:30
20		by, and that's what we go by.	14:58:34
21	Q	Well, in all the discipline we've looked	14:58:35
22		at so far, can you identify any instance in which	14:58:40

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

260

1 you didn't want to deliver the discipline that was 14:58:43
2 issued? 14:58:46

3 A In the oral reprimand that we mentioned 14:58:46
4 where I had to counsel the person with the door 14:58:59
5 open, given in my notes that it said, "You tried to 14:59:03
6 call. You told me ahead of time. Normally you're 14:59:08
7 here early," I would have loved to have seen that 14:59:13
8 person not get it. But that's not up to me. 14:59:17

9 Q Okay. 14:59:17

10 A I'm not asked if I like the order; I'm 14:59:20
11 asked to follow it. 14:59:22

12 Q Is that -- again, from all the discipline 14:59:23
13 now that we've been looking at, are there any other 14:59:25
14 instances you can identify in which you did not 14:59:29
15 want to issue the discipline that was given? 14:59:33

16 MS. BURROUGHS: Objection to the compound 14:59:34
17 question. 14:59:36

18 Q Other than the one you just spoke about. 14:59:38

19 A So you're asking me is there any 14:59:41
20 discipline that I wish hadn't been given that was? 14:59:48

21 Q That you disagreed with that the 14:59:52
22 conduct -- 14:59:55

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

261

1	A	Yeah. I would have liked to have seen	14:59:56
2		more discipline to the person who continually --	14:59:58
3		you know: "We're not here. We don't do that. We	15:00:00
4		run over the radio. We call in." Yeah. But my	15:00:04
5		recommendation for, why don't we do more, or why	15:00:07
6		don't we give this person a McDonald's uniform	15:00:10
7		instead of a fire department uniform, those are	15:00:16
8		completely irrelevant.	15:00:19
9		My suggestions and recommendations on	15:00:19
10		that really don't carry any weight at all.	15:00:22
11	Q	So with respect to that person, you would	15:00:25
12		have wanted more severe discipline?	15:00:26
13	A	I don't know. I mean, it's been four or	15:00:28
14		five years ago.	15:00:32
15	Q	I'm just asking what you meant by what	15:00:33
16		you just said, that --	15:00:35
17	A	You're asking me did they give -- did the	15:00:36
18		administration give discipline that I would have	15:00:40
19		liked to have seen been harsher? I suppose.	15:00:41
20	Q	Right. And did --	15:00:47
21	A	Just because I would have liked to have	15:00:48
22		seen a change in behavior.	15:00:50

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

262

1	Q	And did you issue discipline under your	15:00:51
2		signature that you would -- other than the	15:00:53
3		tardiness one that you just spoke about, is there	15:00:57
4		discipline that you issued that you disagreed with	15:01:03
5		as far as that this is not conduct that warrants	15:01:07
6		discipline?	15:01:11
7	MS. BURROUGHS:	Objection to the	15:01:12
8		mischaracterization and being asked and answered.	15:01:18
9	A	Not that I'm aware of. But again, some	15:01:20
10		of these are quite old. So...	15:01:23
11	Q	Okay.	15:01:27
12	A	And there -- I'm sure that there's other	15:01:27
13		discipline that I have issued that maybe you	15:01:29
14		haven't made mention of that would have been	15:01:32
15		different. But again, that's just speculation on	15:01:34
16		my point, so it's not really helpful.	15:01:36
17	Q	And just calling upon your own memory,	15:01:39
18		forgetting the documents, is there one -- is there	15:01:42
19		any situation you're thinking of where you were	15:01:44
20		told to issue discipline and you said -- believed	15:01:48
21		that the conduct was not a violation of any	15:01:52
22		regulation or rule or order or directive?	15:01:55

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

263

1	A	Repeat that one more time. Was there any	15:01:58
2		discipline that I issued that I did not agree with?	15:02:10
3	Q	That you did not agree was a violation of	15:02:12
4		some rule, regulation, policy, SOP, order, or	15:02:17
5		directive?	15:02:23
6		MS. BURROUGHS: Objection to the compound	15:02:25
7		question.	15:02:27
8	A	I can think of one instance where	15:02:27
9		somebody got -- I believe got an oral reprimand	15:02:37
10		because of something that was done on a medic unit.	15:02:41
11		They found out there was a problem. I think it was	15:02:48
12		an instance of a -- a piece of equipment missing.	15:02:50
13		They brought it to my attention, but then they	15:02:57
14		didn't get it fixed. And they got issued	15:02:59
15		discipline just like the guy who'd gone all day	15:03:02
16		long, knew it was broken, and took no action and	15:03:05
17		didn't tell the other guy that it was broken. He	15:03:09
18		discovered it on his own, meant to get it fixed,	15:03:10
19		and then, because of a series of one call after	15:03:13
20		another, forgot.	15:03:16
21		Then when the third shift came to work	15:03:16
22		and said, "Hey, did you know this was missing?"	15:03:16

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

264

1 He said, "Yeah, I did. I found out 15:03:18
2 yesterday on my own." 15:03:18

3 So then we start -- everybody gets 15:03:19
4 something. 15:03:23

5 Thus, as I said before, we try to check 15:03:24
6 the equipment every day. 15:03:26

7 Q Okay. 15:03:27

8 A But yes. There was an instance where I 15:03:30
9 gave somebody discipline that I thought was kind of 15:03:33
10 ham-handed. But again, I don't have -- and I don't 15:03:37
11 have a lot of discrepancy -- a lot of discretion 15:03:41
12 there. I just follow the orders. 15:03:45

13 Q Was it explained to you why everybody 15:03:46
14 needed to get discipline in that circumstance? 15:03:52

15 A No. 15:03:54

16 Q Did you ask? 15:03:54

17 A I don't recall. 15:03:55

18 MS. BURROUGHS: Maybe now would be a good 15:04:52
19 time for a break, if you're gearing up for 15:04:54
20 something. 15:04:56

21 MS. REWARI: Sure. That's fine. 15:04:58

22 THE VIDEOGRAPHER: Going off the record. 15:04:59

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

267

1	Q	Right. Is the first paragraph your	15:15:50
2		words, "On July 14, 2011, while conducting your	15:15:55
3		annual employee evaluation, I discovered that your	15:15:57
4		Maryland driver's license expired in June 2011"?	15:16:00
5	A	Yes.	15:16:02
6	Q	Those were your words?	15:16:03
7	A	Right.	15:16:04
8	Q	And the rest of it is a template. Right?	15:16:04
9	A	Yes, ma'am.	15:16:07
10	Q	This says "proposed suspension." Do you	15:16:07
11		have an understanding of why this is a proposed	15:16:16
12		whereas the oral and the written didn't have the	15:16:20
13		word "proposed" in front of it?	15:16:24
14	A	No, ma'am.	15:16:26
15	Q	Okay. Who were you proposing this to?	15:16:27
16	A	I wasn't proposing it to anybody.	15:16:28
17	Q	Okay. Well, do you know who this	15:16:29
18		proposed suspension goes to?	15:16:32
19	A	I suspect somebody at payroll. Although	15:16:33
20		they're not copied on it, it says "to" the	15:16:36
21		particular firefighter "from" me.	15:16:41
22		But these aren't my words. Like I said,	15:16:45

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

268

1	you have to give a reference. It was first person.	15:16:48
2	I discovered it. Therefore, I'm duty bound to	15:16:52
3	report it, which I did.	15:16:56
4	I tell the chief. The chief says, "Okay.	15:16:57
5	You need to do this."	15:17:00
6	Q Okay. And do you know whether the	15:17:01
7	employee received a suspension without pay?	15:17:03
8	A I don't know. I believe they did, but I	15:17:05
9	don't know.	15:17:10
10	But I don't approve that. Somebody else	15:17:10
11	makes that determine -- that determination; not me.	15:17:15
12	Q And at the bottom of this form on the	15:17:19
13	second page it says, "I acknowledge receipt of this	15:17:28
14	proposed suspension without pay," and it has a	15:17:30
15	signature line which the name has been redacted	15:17:33
16	from.	15:17:37
17	Do you see that?	15:17:37
18	A Yes.	15:17:38
19	Q Okay. Do you recall whether you gave	15:17:39
20	this firefighter this suspension in person and had	15:17:45
21	him or her sign it?	15:17:49
22	MS. BURROUGHS: Objection. Vague.	15:17:50

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

328

1	MS. REWARI: Captain Beasley, I don't	16:37:54
2	have any further questions. Thank you.	16:37:55
3	THE WITNESS: Yes, ma'am. Thank you.	16:37:57
4	MS. BURROUGHS: Captain, I just have a	16:38:01
5	few.	16:38:03
6	EXAMINATION BY COUNSEL FOR PLAINTIFFS	16:38:04
7	BY MS. BURROUGHS:	16:38:05
8	Q So as a Fire Captain I, do you have the	16:38:06
9	authority to assign overtime to off-duty	16:38:08
10	firefighters?	16:38:12
11	A No, ma'am.	16:38:12
12	Q As a Fire Captain I, do you approve	16:38:12
13	leave?	16:38:12
14	A No, ma'am.	16:38:12
15	Q Do you set minimum staffing levels as a	16:38:12
16	Fire Captain I?	16:38:15
17	A No, ma'am.	16:38:16
18	Q In the time that you've been a Fire	16:38:17
19	Captain I, can you estimate about how much time you	16:38:21
20	spent per year filling out performance appraisals	16:38:23
21	or evaluation reports?	16:38:26
22	A You mean like a percentage of my job?	16:38:27

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

329

1 Q I would -- if you could, estimate in 16:38:30
2 hours per year. 16:38:34

3 A Maybe an hour or two per employee. Like 16:38:35
4 a half a percent of my job. 16:38:44

5 Q So an hour or two per employee. How many 16:38:46
6 employees did you have? 16:38:49

7 A Six. 16:38:50

8 Q So maybe six hours per year. Does that 16:38:50
9 seem fair? 16:38:53

10 A Maybe nine for total, you know, all the 16:38:53
11 time. You know, about an hour, hour and a half per 16:38:56
12 employee. 16:38:59

13 Q Okay. Did you engage in physical fitness 16:38:59
14 as a Fire Captain I? 16:39:15

15 A Yes, ma'am. 16:39:15

16 Q How much time per shift did you spend 16:39:15
17 engaging in physical fitness? 16:39:15

18 A Anywhere from an hour to an hour and a 16:39:15
19 half; sometimes two hours. It depended on call 16:39:17
20 volume. 16:39:18

21 Q If you had a call while you were doing 16:39:18
22 physical fitness, would you leave to go to that 16:39:21

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

330

1	call?	16:39:24
2	A Yes, ma'am.	16:39:25
3	Q We talked a little bit about trainings at	16:39:25
4	some point today. Can you tell me the kinds of	16:39:29
5	trainings that you've done in the last two or three	16:39:32
6	years as a Fire Captain I?	16:39:35
7	MS. REWARI: Object to form.	16:39:37
8	A Training I've done as a suppression	16:39:38
9	captain would include basic firefighting skills.	16:39:41
10	Obviously hose line deployment. Occasionally we	16:39:46
11	would work with ladders. Not so much since I'm an	16:39:52
12	engine officer, but -- in my role, but ladders,	16:39:56
13	hand tools, search techniques, use the new	16:39:59
14	equipment that the department gets. And then doing	16:40:05
15	basic evolutions that every firefighter -- every	16:40:10
16	firefighter does.	16:40:15
17	And then as far as medical training goes,	16:40:16
18	what's required to keep up my skills and	16:40:19
19	certifications according to the state, we do	16:40:21
20	quarterly trainings over and above our	16:40:24
21	firefighting -- or I have to do over and above what	16:40:28
22	the firefighters are required because I'm an ALS	16:40:30

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

331

1	provider.	16:40:35
2	Q Do you find that training to be	16:40:35
3	important?	16:40:38
4	A Yes.	16:40:38
5	Q How much time would you estimate you	16:40:38
6	spend each shift doing training as a Fire	16:40:41
7	Captain I?	16:40:44
8	MS. REWARI: Object to form.	16:40:44
9	A You know, it greatly depends on call	16:40:45
10	volume. Everything revolves around when those	16:40:54
11	tones go off -- "tone" being an indicator that a	16:40:57
12	call has come in.	16:41:01
13	But it's not uncommon to do an hour to an	16:41:02
14	hour and a half every day.	16:41:06
15	Q Okay. We've talked about discipline for	16:41:06
16	a bit. Can you issue discipline without sending it	16:41:10
17	up the chain of command for approval?	16:41:14
18	A No.	16:41:17
19	MS. REWARI: Object to form.	16:41:18
20	A No, ma'am.	16:41:19
21	Q How much time have you spent reporting	16:41:20
22	violations of rules up the chain of command since	16:41:22

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

332

1	January 2011?	16:41:25
2	A A couple of hours.	16:41:25
3	Q And that's in the time between	16:41:28
4	January 2011 and now?	16:41:31
5	A Yes. Give or take, yes.	16:41:31
6	Q What is your most important job duty?	16:41:36
7	A Responding to emergency incidents.	16:41:39
8	Q And when you respond to emergency	16:41:41
9	incidents as a Fire Captain I, what are your	16:41:46
10	responsibilities?	16:41:48
11	MS. REWARI: Object to form.	16:41:50
12	A It depends on what the call is. But if	16:41:51
13	it's a house fire, I would engage in hands-on	16:41:54
14	firefighting activities as far as maybe forcing a	16:42:02
15	door open -- if there wasn't a truck company to do	16:42:09
16	that -- and then advancing a hose line, looking for	16:42:13
17	victims, pulling victims out of the building if we	16:42:16
18	find them, ventilating as we go, looking for other	16:42:19
19	hazards.	16:42:23
20	Q And you mentioned that was on a fire	16:42:24
21	scene?	16:42:26
22	A Yes.	16:42:26

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

333

1 Q Do you do something different at an 16:42:26
2 emergency medical call? 16:42:28

3 A Yes. When I was on the engine I was the 16:42:29
4 only -- for about two and a half years, I was the 16:42:32
5 only ALS provider on the engine. So I would do 16:42:36
6 hands-on patient care every single time I went on 16:42:40
7 an ALS call if it was indicative due to the 16:42:44
8 nature -- you know, how serious the call was. 16:42:47

9 So even though I was the highest-ranking 16:42:49
10 person there, I can't order someone to do something 16:42:52
11 they can't do. So I would be the one to start the 16:42:54
12 IVs. I would read the heart monitor. And, you 16:42:57
13 know, give certain drugs or give respiratory -- 16:43:00
14 excuse me, help do compressions or oversee that 16:43:07
15 kind of actions. 16:43:11

16 Q Okay. And am I remembering right that 16:43:14
17 you said you were assigned to an engine while you 16:43:18
18 were a Fire Captain I? 16:43:20

19 A Yes, ma'am. 16:43:21

20 Q Does that engine ever respond to a call 16:43:22
21 without you on it? 16:43:25

22 A No, ma'am. 16:43:26

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

334

1 Q Do you go on the same number of calls as 16:43:26
2 subordinates that are assigned to your same engine? 16:43:30

3 A Yes, ma'am. 16:43:34

4 MS. REWARI: Object to form. 16:43:35

5 Q And no matter what you are doing, when 16:43:36
6 the tone rings and you are dispatched, do you go? 16:43:38

7 A Yes, ma'am. It doesn't matter what's 16:43:40
8 going on. I can be in the shower. It doesn't 16:43:41
9 matter what's going on. When the tones go off, you 16:43:45
10 stop what you're doing and respond as fast as you 16:43:48
11 can. 16:43:50

12 Q As a Fire Captain I have you ever -- or 16:43:50
13 in -- as a Fire Captain I and in the last three 16:43:53
14 years, have you ever been injured? 16:43:54

15 A Yes. 16:43:55

16 Q Can you tell me about those injuries? 16:43:55

17 A I slipped and fell. I was at a call 16:44:00
18 during the second of the -- I think second of the 16:44:06
19 three large snowstorms that we had this past 16:44:09
20 winter, and I was going into the home to render 16:44:15
21 a ALS call, and I slipped and fell and landed on my 16:44:20
22 shoulder, left shoulder. 16:44:25

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

335

1 Q Have you ever been injured in any 16:44:27
2 other -- other than that incident, have you been 16:44:29
3 injured? 16:44:31

4 A Yes. I've injured my back carrying 16:44:31
5 patients. Had a minor burn when I was a 16:44:37
6 firefighter. But probably the most significant was 16:44:46
7 probably -- I don't know. I guess last year. 16:44:48
8 There was a house fire where I had heat exhaustion 16:44:50
9 as a result of engaging in firefighting activities 16:44:55
10 on the second floor of a single-family house that 16:45:00
11 was on fire. 16:45:02

12 Q Do you remember what you were doing in 16:45:03
13 that house and you suffered from heat exhaustion? 16:45:04

14 A I had advanced a hose line up to the 16:45:08
15 second floor with my crew, and we were engaged in 16:45:11
16 firefighting operations and overhaul, meaning 16:45:16
17 looking for other remnants of the building which 16:45:20
18 could still be on fire but you couldn't see. So 16:45:25
19 you have to get up there with tools and pull the 16:45:27
20 ceiling or pull the flooring up, or the walls out, 16:45:30
21 and look through. 16:45:35

22 And it was in June -- I think it was in 16:45:36

VIDEOTAPED DEPOSITION OF OSCAR L. BEASLEY, JR
CONDUCTED ON TUESDAY, JUNE 3, 2014

336

1	June. I can't recall. And I had heat exhaustion.	16:45:39
2	Q I have one last question.	16:45:44
3	If you could for me find Defendant's	16:45:46
4	Exhibit 263.	16:45:49
5	A Is that the...	16:45:52
6	Q It is an employee evaluation for the	16:46:01
7	lieutenant that we discussed earlier. And we won't	16:46:04
8	say his name on the record.	16:46:07
9	A Okay. I got a bunch of them here. Hold	16:46:08
10	on.	16:46:08
11	Okay. Exhibit 263.	16:46:12
12	Q Yeah. And is this the employee	16:46:13
13	evaluation that I just mentioned for the lieutenant	16:46:15
14	that was briefly on your shift?	16:46:19
15	A Yes, ma'am, it is.	16:46:20
16	MS. BURROUGHS: I'll wait for --	16:46:21
17	MS. REWARI: I can't find it. Sorry.	16:46:21
18	Just a second here.	16:46:21
19	Thank you. I found it. I appreciate it.	16:46:24
20	Q If you could, could you turn to page --	16:46:26
21	it is page 4 of this document and page 27 of the	16:46:30
22	Bates-stamp numbers on the bottom right-hand	16:46:33

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x

GERARD MORRISON, et al., :

Plaintiffs, : Civ. Action No.

v. : 1:14cv5 (CMH/JFA)

COUNTY OF FAIRFAX, VA., :

Defendant. :

-----x

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ

McLean, Virginia

Friday, May 30, 2014

9:44 a.m.

Job no.: 59002

Pages: 1 - 146

Reported By: Joan V. Cain

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

47

1 that works directly for him every day. Does that 10:18:25

2 make sense? 10:18:27

3 Q So you don't feel comfortable evaluating 10:18:28

4 people that you're not on the same apparatus with? 10:18:32

5 A Correct. 10:18:34

6 Q Do you review the evaluations that those -- 10:18:34

7 do both lieutenants evaluate people at your station 10:18:37

8 or just one of them? 10:18:40

9 A No, just one of them, because the other one 10:18:41

10 doesn't spend as much time at the station. They're 10:18:43

11 only there when myself or the other -- myself or the 10:18:45

12 lieutenant are off. 10:18:48

13 Q Okay. For the lieutenant who does perform 10:18:48

14 evaluations for his apparatus -- 10:18:52

15 A Yes. 10:18:53

16 Q -- do you review those evaluations? 10:18:54

17 A Yes. There has to be a reviewer of all 10:18:55

18 evaluations. 10:18:58

19 Q Okay. 10:18:58

20 A So even when I write an evaluation for the 10:18:59

21 firefighters, it has to be reviewed by someone else. 10:19:01

22 Q Okay. And does -- who evaluates -- excuse 10:19:03

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

48

1	me.	10:19:06
2	Who reviews the evaluations you perform?	10:19:06
3	A The evaluations that I write are reviewed	10:19:08
4	by the battalion chief.	10:19:10
5	Q Okay. So that's the next rank above you;	10:19:11
6	is that right?	10:19:14
7	A Correct.	10:19:14
8	Q And so you in turn evaluate that	10:19:14
9	lieutenant's evaluations because you're a rank above	10:19:17
10	him; is that accurate?	10:19:20
11	A That is.	10:19:21
12	Q And I'm assuming the lieutenant is a him.	10:19:21
13	Is it a he or a she?	10:19:23
14	A I have -- I have a male and a female. The	10:19:25
15	male's assigned to the station. The female's on	10:19:28
16	relief.	10:19:30
17	Q Okay. What about when you were a Captain I	10:19:31
18	at Dunn Loring, which evaluations did you perform on	10:19:41
19	C shift?	10:19:43
20	A I performed all of them. When I was a	10:19:44
21	captain at Chantilly, I had a lieutenant, so that	10:19:56
22	lieutenant would perform a couple of the evaluations	10:19:59

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

93

1 that I had signed this, I had not applied for 11:30:07
2 another position, but I have since then, so does 11:30:09
3 that matter? 11:30:12

4 Q Well, what position have you applied for 11:30:12
5 since then? 11:30:14

6 A I applied for an administrative job in the 11:30:15
7 office. 11:30:21

8 Q Okay. And which job was that? 11:30:21

9 A Uniform administrative aide to the 11:30:22
10 assistant chief. 11:30:24

11 Q Okay. And are you waiting to hear about 11:30:25
12 that, or is that -- has the selection already been 11:30:27
13 made? 11:30:29

14 A The selection has not been made yet. 11:30:29

15 Q Okay. 11:30:31

16 A Okay. For number -- Interrogatory No. 8, 11:31:11
17 my answer would include the one oral reprimand that 11:31:15
18 you gave me that I'd forgotten about for the 11:31:17
19 firefighter for the -- for one of the firefighters. 11:31:20

20 Q Okay. And just while we're on this -- 11:31:23
21 while we're on this topic, if you see something at 11:31:26
22 the fire station that you think warrants discipline, 11:31:32

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

94

1 can you recommend the discipline? 11:31:37

2 A Well, the -- the standard operating 11:31:41

3 procedures dictate what -- what is a disciplinable 11:31:44

4 offense for the most part. So if it falls within 11:31:48

5 the confines of that, then I can suggest to the 11:31:50

6 battalion chief that it's an infraction of the 11:31:54

7 policy or procedure. 11:31:55

8 Q Okay. So if you think that you've 11:31:56

9 observed, say, a firefighter violating a 11:31:59

10 procedure -- 11:32:01

11 A Mm-hmm. 11:32:01

12 Q -- you can then go to the battalion chief 11:32:01

13 and say, hey, I've observed this; I think we have a 11:32:03

14 disciplinary situation? 11:32:06

15 A I would -- well, I think it depends on what 11:32:07

16 it is. I don't think that there's one good answer 11:32:10

17 for that because it depends on what the situation 11:32:13

18 entails. Because not everything requires 11:32:15

19 discipline. So for some things you would 11:32:18

20 discipline, for some things you wouldn't, but I 11:32:21

21 can't give the discipline. If I thought it was 11:32:23

22 something major that violated SOPs, a lot of the 11:32:25

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

95

1 major stuff, SOPs dictate what we discipline for 11:32:28
2 versus -- you know, like, if you're late, the SOP 11:32:32
3 states what the discipline would be for that. 11:32:36

4 Q Okay. 11:32:38

5 A That's not something that you would make 11:32:38
6 up, you know, oh, I think we should give this or 11:32:40
7 that. 11:32:42

8 Q Okay. 11:32:42

9 A So it would depend -- it's situation 11:32:43
10 dependent. 11:32:44

11 Q Okay. So you have to -- you have to 11:32:45
12 decide, depending on the situation, is this 11:32:47
13 something that SOP tells me we need to do something 11:32:49
14 about this disciplinary-wise, or is this something 11:32:52
15 we have to make a judgment call? 11:32:57

16 MS. ELKIN: Objection, calls for 11:32:58
17 speculation. 11:33:02

18 You can answer if you can. 11:33:02

19 THE WITNESS: Well, no. Because there's 11:33:04
20 times that the SOPs tell us that something is a 11:33:05
21 disciplinary offense, that once it gets sent up the 11:33:08
22 chain of command, it comes back down saying we're 11:33:12

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

96

1	not going to discipline for this.	11:33:15
2	BY MS. PASCHAL:	11:33:17
3	Q Okay. But you make a decision if you think	11:33:17
4	something needs to be escalated according to the	11:33:20
5	SOP?	11:33:23
6	A I have my own personal opinion that I send	11:33:23
7	to the battalion chief, but they make -- I don't get	11:33:26
8	to make the decision.	11:33:27
9	Q So you make a recommendation and then the	11:33:29
10	decision is then made subsequently?	11:33:31
11	MS. ELKIN: Objection.	11:33:32
12	You can answer if you can.	11:33:33
13	THE WITNESS: I don't -- can you repeat the	11:33:34
14	question?	11:33:35
15	BY MS. PASCHAL:	11:33:35
16	Q Sure. So if you observe a situation --	11:33:36
17	A Yeah.	11:33:40
18	Q -- and you think an SOP has been	11:33:40
19	violated --	11:33:44
20	A Yes.	11:33:44
21	Q -- and you think the SOP requires	11:33:45
22	discipline for that -- could you give me an example	11:33:47

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

105

1	Q	And it says don't complete this section if	11:44:41
2		the employee does not supervise others. Do you see	11:44:43
3		that?	11:44:46
4	A	Yes.	11:44:46
5	Q	Is it your practice as a Captain I/Captain	11:44:48
6		II to complete this section for the lieutenants on	11:44:51
7		your shift?	11:44:53
8	A	Yes.	11:44:53
9	Q	And do you rate them in each one of the	11:44:57
10		categories set forth under Section B?	11:44:58
11	A	Yes.	11:45:00
12	Q	And is it the exact same criteria on which	11:45:01
13		you're rated as a Captain I and Captain II?	11:45:04
14		MS. PASCHAL: Objection to form.	11:45:07
15		BY MS. ELKIN:	11:45:08
16	Q	You can answer.	11:45:08
17	A	Oh, yes.	11:45:09
18	Q	Okay. Let's look at Exhibit 130 and -- I	11:45:10
19		guess Exhibit 128, Exhibit 129, and Exhibit 130.	11:45:22
20		Now, which one of these, Exhibit 128, Exhibit 129,	11:45:39
21		and Exhibit 130 was the one you recommended to give	11:45:44
22		no discipline, but you were ordered to give	11:45:47

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

106

1	discipline anyway?	11:45:51
2	MS. PASCHAL: Objection, mischaracterizes	11:45:53
3	prior testimony.	11:45:54
4	THE WITNESS: Exhibit 128.	11:45:55
5	BY MS. ELKIN:	11:45:56
6	Q Okay. So that was a vehicle incident; is	11:45:56
7	that right?	11:45:58
8	A Yes.	11:45:58
9	Q Okay. And did I mischaracterize your	11:45:59
10	testimony when I -- in my question?	11:46:01
11	A No.	11:46:03
12	Q Okay. So is it accurate to say that your	11:46:04
13	recommendation was that this employee, this	11:46:08
14	firefighter should not have been disciplined for the	11:46:12
15	event that was -- that he was disciplined for?	11:46:14
16	MS. PASCHAL: Objection, leading.	11:46:18
17	BY MS. ELKIN:	11:46:20
18	Q You can answer.	11:46:20
19	A Yes, I recommended that, and I actually did	11:46:23
20	the same thing for Exhibit 129 as well.	11:46:25
21	Q Okay. So tell me about Exhibit 129.	11:46:27
22	A That was a vehicle accident, the	11:46:30

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

107

1	firefighter was driving the rehab unit and it was	11:46:35
2	during a really bad storm, and if I recall	11:46:38
3	correctly, it was during one of the heavy rainstorms	11:46:40
4	that we had, and there was already poor visibility,	11:46:42
5	and they were at a fire scene in the Penn Daw area,	11:46:45
6	and he was trying to get out of a tight area, and he	11:46:50
7	caught a bush with the bumper marker pole, and all	11:46:52
8	it did was bend the marker pole out, which	11:46:58
9	realistically just needed a screw to repair it, but	11:47:03
10	I didn't think that warranted discipline.	11:47:06
11	Q And so what happened in the instance of	11:47:08
12	Defendant's Exhibit 129, this oral reprimand?	11:47:10
13	A I was ordered to give them discipline.	11:47:14
14	Q And did you tell your battalion chief that	11:47:16
15	I don't think this guy should get disciplined?	11:47:18
16	MS. PASCHAL: Objection, leading.	11:47:20
17	THE WITNESS: Yes.	11:47:21
18	BY MS. ELKIN:	11:47:22
19	Q Okay. All right. But he told that give	11:47:22
20	him the oral reprimand anyway?	11:47:24
21	A Yes.	11:47:26
22	MS. PASCHAL: Objection, leading.	11:47:27

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

108

1	BY MS. ELKIN:	11:47:28
2	Q Was that --	11:47:28
3	A Sorry.	11:47:28
4	Q Was that a direct order?	11:47:29
5	A Yes.	11:47:30
6	Q And you followed it?	11:47:30
7	A Yes.	11:47:31
8	Q Okay. And speaking of orders, you were	11:47:31
9	asked a lot of questions about hypothetical	11:47:35
10	situations where you could -- could you discipline	11:47:37
11	someone, would you send it up the chain, et cetera.	11:47:42
12	Do you recall that testimony?	11:47:45
13	A Yes.	11:47:46
14	Q Okay. And you were asked whether in a	11:47:46
15	situation where a firefighter didn't follow one of	11:47:48
16	your orders, what would you do. Do you recall that?	11:47:51
17	A Yes.	11:47:54
18	Q Since you've been a Captain I or a Captain	11:47:54
19	II, has -- has that ever happened, where someone	11:47:56
20	below you did not follow an order?	11:47:58
21	A Yes.	11:48:00
22	Q And what happened?	11:48:00

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

109

1	A	I discussed it with -- with the individual.	11:48:01
2	Q	And was it resolved?	11:48:04
3	A	Yes, it was resolved.	11:48:05
4	Q	So there was no discipline issued?	11:48:08
5	A	There was no discipline issued.	11:48:09
6	Q	Okay. And would a lieutenant also have	11:48:10
7		that same kind of decision-making ability if someone	11:48:21
8		below him did not follow an order, could they	11:48:25
9		discuss it or send it up the chain of command?	11:48:28
10		MS. PASCHAL: Objection, leading and	11:48:31
11		speculative.	11:48:32
12		BY MS. ELKIN:	11:48:32
13	Q	You can answer.	11:48:33
14	A	Yes.	11:48:36
15	Q	And who in the department has the	11:48:36
16		obligation to report violations of the rules and	11:48:38
17		regulations?	11:48:42
18		MS. PASCHAL: Objection, foundation.	11:48:42
19		BY MS. ELKIN:	11:48:45
20	Q	What ranks?	11:48:45
21	A	All ranks: firefighters through fire	11:48:45
22		chief.	11:48:49

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

110

1 Q Okay. Okay. So Exhibit 130 -- can you 11:48:49
2 repeat for me again which ones you recommended 11:48:59
3 against discipline but you were ordered to do 11:49:00
4 discipline anyway? 11:49:02

5 A Sure. 11:49:03

6 MS. PASCHAL: Objection, leading. 11:49:05

7 THE WITNESS: Let me find them. 11:49:07

8 BY MS. ELKIN: 11:49:08

9 Q I believe it was Exhibits 129 and 128. 11:49:21

10 A Okay. So Exhibit 128 I did not believe 11:49:25
11 that warranted discipline. Exhibit 129 I did not 11:49:28
12 believe warranted discipline. 11:49:32

13 Q Okay. With respect to Exhibit 130, did 11:49:33
14 you -- I think you testified that you issued this 11:49:35
15 oral reprimand; is that right? 11:49:37

16 A That's correct. 11:49:38

17 Q Did you issue this oral reprimand before 11:49:41
18 obtaining approval from the higher-ups -- 11:49:44

19 MS. PASCHAL: Objection. 11:49:48

20 BY MS. ELKIN: 11:49:48

21 Q -- battalion chief, et cetera? 11:49:48

22 MS. PASCHAL: Objection, leading and form. 11:49:49

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

121

1 to be dated July 29th of 2013.

11:58:49

2 BY MS. ELKIN:

11:58:56

3 Q And why is that?

11:58:56

4 A That would be the date that I completed
5 updating them.

11:58:57

11:58:58

6 Q Okay. And then -- so how much time would
7 you say you spent on July 29th, 2013 updating the
8 station policies listed here?

11:58:59

11:59:02

11:59:06

9 A Probably 4 or 5 hours.

11:59:09

10 Q Okay. And then the other dates in here, I
11 think there's a September 12th and an August 2nd.
12 Those are the only ones I saw. You can take a look
13 and see if I captured that accurately?

11:59:10

11:59:13

11:59:18

11:59:21

14 A Yeah, September 12th, that would be
15 1-01708. That was a policy that we were directed to
16 add to the -- to the station manual about housing
17 canines at the station. We had to have a station
18 policy. So that's why that date's different.

11:59:23

11:59:28

11:59:30

11:59:35

11:59:38

19 Q Okay. And how much do you think you spent
20 adding this -- preparing and adding this policy
21 dated September 13, 2013?

11:59:42

11:59:45

11:59:47

22 A About 15 minutes.

11:59:49

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

125

1	MS. PASCHAL: Objection. Beyond the scope	12:02:57
2	of the deposition topics.	12:02:59
3	BY MS. ELKIN:	12:03:00
4	Q You can answer.	12:03:01
5	A No.	12:03:02
6	MS. ELKIN: And I disagree, obviously, with	12:03:04
7	all these objections.	12:03:06
8	BY MS. ELKIN:	12:03:06
9	Q But every time she objects, she's just	12:03:07
10	objecting. You go ahead and answer, okay, as soon	12:03:09
11	as she's done with her objection.	12:03:11
12	A Okay.	12:03:15
13	MS. PASCHAL: I disagree with the	12:03:15
14	characterization of my objections, but go ahead.	12:03:16
15	BY MS. ELKIN:	12:03:18
16	Q Do you set minimum staffing levels?	12:03:18
17	A No.	12:03:20
18	MS. PASCHAL: Same objection.	12:03:20
19	THE WITNESS: Sorry. No.	12:03:21
20	BY MS. ELKIN:	12:03:22
21	Q Okay. Do you have purchasing authority?	12:03:22
22	A No.	12:03:24

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

126

1	Q	Now, the station presumably has paper	12:03:25
2		towels, toilet paper, that kind of thing; is that	12:03:27
3		right?	12:03:30
4	A	Yes.	12:03:30
5	Q	How do those items come to exist in your	12:03:30
6		station? What happens?	12:03:33
7		MS. PASCHAL: Objection. Beyond the scope	12:03:34
8		of the direct examination.	12:03:36
9		THE WITNESS: They're ordered through	12:03:39
10		online ordering system.	12:03:41
11		BY MS. ELKIN:	12:03:42
12	Q	Okay. And who in your station actually	12:03:43
13		does the inventory saying we need 20 rolls of toilet	12:03:44
14		paper?	12:03:48
15	A	One of the --	12:03:48
16		MS. PASCHAL: Same objection.	12:03:49
17		THE WITNESS: One of the firefighters on my	12:03:49
18		shift conducts the inventory.	12:03:51
19		BY MS. ELKIN:	12:03:53
20	Q	Okay. And who is the vendor -- who's the	12:03:53
21		vendor, if you know?	12:03:55
22	A	AmSan.	12:03:56

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

128

1	somebody have to review those?	12:04:49
2	A Yes.	12:04:50
3	Q Do you engage in physical fitness on your	12:05:03
4	shift?	12:05:05
5	MS. PASCHAL: Objection. Beyond the scope	12:05:06
6	of the direct examination.	12:05:07
7	THE WITNESS: Yes.	12:05:07
8	BY MS. ELKIN:	12:05:08
9	Q Approximately how much time do you and your	12:05:09
10	crew engage in physical fitness on each shift?	12:05:12
11	MS. PASCHAL: Same objection.	12:05:15
12	THE WITNESS: 1 to 2 hours a day.	12:05:16
13	BY MS. ELKIN:	12:05:18
14	Q Why? Why do you do that?	12:05:18
15	MS. PASCHAL: Objection, foundation.	12:05:19
16	THE WITNESS: We're mandated by standard	12:05:20
17	operating procedure to do physical fitness training.	12:05:25
18	BY MS. ELKIN:	12:05:27
19	Q And do you have an opinion about why --	12:05:27
20	whether it's important to do physical fitness	12:05:29
21	training as a Fire Captain II?	12:05:32
22	A Yes. Because we need to be physically fit	12:05:33

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

129

1 so that we can go out and respond to emergencies. 12:05:36

2 Q You testified a little bit I believe about 12:05:39

3 training. Do you have training in your station? 12:05:41

4 A Yes. 12:05:43

5 Q Is that something you do on a daily basis? 12:05:43

6 A Yes. 12:05:45

7 Q And what kind of training? 12:05:45

8 A Everything from EMS, suppression, rescue, 12:05:47

9 HAZMAT. Depends on the day. 12:05:53

10 Q Okay. And approximately -- and is it -- is 12:05:54

11 that both for when you're a Captain II and for when 12:05:57

12 you were a Captain I as well? 12:05:59

13 MS. PASCHAL: Objection, compound. 12:06:00

14 THE WITNESS: It's at all ranks. 12:06:01

15 BY MS. ELKIN: 12:06:02

16 Q Okay. And approximately how much time did 12:06:02

17 you spend or do you spend as a Captain II engaged in 12:06:06

18 training each shift? 12:06:10

19 A A couple of hours per shift. 12:06:11

20 Q All right. 12:06:13

21 A The same as the rest of the shift, for the 12:06:14

22 most part. 12:06:16

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

130

1	Q	So you're with the -- your crew on the --	12:06:16
2		you train together as a group?	12:06:20
3	A	Correct.	12:06:21
4	Q	Okay. And what about when you were a	12:06:22
5		Captain I, how much time would you spend training on	12:06:25
6		your shifts as a Captain I?	12:06:27
7	A	About the same.	12:06:28
8	Q	And, again, was that with your crew?	12:06:29
9	A	Yes.	12:06:31
10		THE VIDEOGRAPHER: Almost out of tape.	12:06:41
11		MS. ELKIN: I'm almost done. Shall we	12:06:43
12		stop?	12:06:45
13		THE VIDEOGRAPHER: I have about 30 seconds.	12:06:45
14		MS. ELKIN: Why don't you change it.	12:06:50
15		THE VIDEOGRAPHER: Okay. We'll go off the	12:06:52
16		record. The time is 12:06.	12:06:54
17		(Discussion off the record, during	12:06:57
18		which time Mr. Dyer returned to the deposition.)	12:08:59
19		THE VIDEOGRAPHER: We're back on the	12:09:03
20		record. This is the beginning of Disc No. 2. The	12:09:04
21		time is 12:09.	12:09:07
22	BY MS. ELKIN:		12:09:08

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

132

1	Q	How do you know you have a call? What	12:09:46
2		happens within the station?	12:09:50
3	MS. PASCHAL:	Objection. Beyond the scope	12:09:51
4		of the direct exam.	12:09:52
5	THE WITNESS:	The station alerting system	12:09:53
6		goes off.	12:09:54
7	BY MS. ELKIN:		12:09:55
8	Q	And how do you know that your -- what was	12:09:55
9		your -- at Woodlawn, what's your apparatus, Engine	12:09:57
10		424 or something like that?	12:10:04
11	A	Engine 424.	12:10:04
12	Q	Okay. And that's the one you're assigned	12:10:05
13		to?	12:10:07
14	A	Yes.	12:10:08
15	Q	How do you know whether Engine 424 has to	12:10:08
16		respond to a call?	12:10:11
17	A	The tones go off and they'll say engine	12:10:12
18		response.	12:10:14
19	Q	Okay. Now, does Engine 424 ever go without	12:10:15
20		you as the Captain II?	12:10:18
21	MS. PASCHAL:	Objection to form.	12:10:20
22	THE WITNESS:	No.	12:10:21

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

133

1	BY MS. ELKIN:	12:10:22
2	Q And when you were at these other stations	12:10:22
3	at Dunn Loring and Chantilly, 15 and -- what was the	12:10:25
4	other one?	12:10:30
5	A 13.	12:10:30
6	Q -- 13, did those -- were you assigned to	12:10:31
7	the engines there as well?	12:10:34
8	A Yes.	12:10:35
9	Q And did those engines go without you?	12:10:35
10	A Never.	12:10:37
11	Q Is it fair to say then that you ran as many	12:10:38
12	calls as a Captain I that your subordinates ran --	12:10:40
13	MS. PASCHAL: Objection to form.	12:10:44
14	BY MS. ELKIN:	12:10:45
15	Q -- on Engine 413 and 415?	12:10:45
16	MS. PASCHAL: Objection to form. Leading.	12:10:48
17	THE WITNESS: Yes.	12:10:50
18	BY MS. ELKIN:	12:10:50
19	Q Okay. And at Station 24, do you run the	12:10:50
20	same amount of calls as your subordinates on Engine	12:10:54
21	424?	12:10:59
22	MS. PASCHAL: Objection to form. Leading.	12:11:00

VIDEOTAPED DEPOSITION OF BILL CHARLES BETZ
CONDUCTED ON FRIDAY, MAY 30, 2014

134

1 THE WITNESS: Yes. 12:11:01

2 BY MS. ELKIN: 12:11:01

3 Q On a fire scene, would there ever be a 12:11:07
4 situation where a lieutenant is an incident 12:11:15
5 commander? 12:11:17

6 A Yes. 12:11:17

7 Q Can you just tell us about that. When 12:11:18
8 would that would arise? 12:11:21

9 MS. PASCHAL: Objection. Beyond the scope 12:11:22
10 of the direct examination. 12:11:24

11 THE WITNESS: Yeah, if the first engine 12:11:24
12 that arrives on scene starts conducting operations, 12:11:27
13 the second engine company can take command. So if 12:11:30
14 the second engine company has a lieutenant in 12:11:34
15 charge, then that lieutenant would be in command of 12:11:36
16 the incident scene. So if I'm the first engine or 12:11:38
17 the third or fourth engine out, we would take 12:11:40
18 direction from that second engine company who's a 12:11:42
19 lieutenant. 12:11:45

20 BY MS. ELKIN: 12:11:45

21 Q Has that ever happened as a captain? Have 12:11:45
22 you ever taken direction from a lieutenant on an 12:11:48

1

1

UNITED STATES DISTRICT COURT

2

FOR THE EASTERN DISTRICT OF VIRGINIA

3

(Alexandria Division)

4

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5

GERARD MORRISON, et al., :

6

Plaintiffs, : Civ. Action No.

7

v. : 1:14cv5 (CMH/JFA)

8

COUNTY OF FAIRFAX, VA., :

9

Defendant. :

10

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11

12

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR

13

McLean, Virginia

14

Wednesday, May 28, 2014

15

9:42 a.m.

16

17

18

19

20

Job No.: 59000

21

Pages: 1 - 311

22

Reported By: Joan V. Cain

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

57

1 that. So I go ahead and highlight that in there so
2 that they can see I have a history of dealing with
3 that.

4 Q Okay. The resource management position
5 that you just mentioned, that was a job you applied
6 for?

7 A That was a job I applied for.

8 Q Did you obtain that job?

9 A No, I did not obtain that job.

10 Q Was that in operations or was that in a
11 different bureau?

12 A That is in a different bureau.

13 Q Okay. I'd like to show you -- when did you
14 apply for that job?

15 A I couldn't tell you exactly. I was still a
16 Captain II at the time when I did it. It was off
17 the last battalion chief's list. I've been on two
18 battalion chiefs' lists; this one I got promoted off
19 of, the previous one I did not.

20 Q Okay. So sometime between 2008 and 2014?

21 A Yes, ma'am.

22 Q Okay. All right. I'd like to show you

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

98

1 Q Is this an accurate description of one of
2 your job duties as Captain II on the C Shift at
3 Franconia?

4 A No, this is not an accurate description.
5 Every once in a while I'll recommend disciplinary
6 action, but a lot of times the disciplinary comes
7 from above me back down. One good example of that
8 is a vehicle accident. If they -- one of my
9 personnel have a vehicle accident, the battalion
10 chief makes a recommendation for what kind of
11 discipline should occur. That goes up to the chain
12 of command.

13 They have a meeting on that, the safety
14 officers have a meeting where they all sit down and
15 look at the accident, decide what tier it's going to
16 be. Once that information goes back, it goes back
17 to senior ops. Senior ops sit down to decide --
18 that's the assistant chiefs and deputy chiefs -- sit
19 down and decide what kind of discipline they're
20 going to hand out for that and that comes back down
21 through the chain of command and I'm ordered to give
22 that discipline to that firefighter even if I don't

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

99

1 agree with it.

2 Q But you're not saying that you're not
3 allowed to recommend a course of action for
4 disciplinary, are you?

5 A No, no, I'm not saying that. If I had a
6 disciplinary action that I wanted to do to somebody
7 for some reason -- or not wanted to, that's the
8 wrong vernacular for it -- that I felt was needed to
9 improve his performance, I could recommend
10 discipline, yes. Let me look at the rest of it so I
11 don't say -- performance management of assigned
12 subordinates, yeah, I do that.

13 And also like I said, lieutenants and even
14 master technicians will try to do performance
15 management through training and other -- other
16 devices to improve their personnel's actions. And
17 commendation, I definitely recommend commendation
18 for my employees, but my employees also do that too.
19 They put in people for commendation and I send it up
20 through the chain of command.

21 So it's not just exclusively to me these --
22 these are, but, yes, all these could be one possible

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

100

1 thing I would do. Like I said, in some
2 situations -- what I want to say is none of these
3 exclusively come from me. They could come from
4 other parts in the agency or the fire department.

5 Q If someone on your shift wanted to
6 recommend a commendation, would that person have to
7 run it by you first before submitting it up higher?

8 A No. There's nothing that says they have to
9 run it through me.

10 Q Do you know if that has ever occurred, that
11 someone has submitted a commendation without letting
12 you -- a recommendation for a commendation without
13 letting you know?

14 A Yes, it has.

15 Q What would be -- what situation was that?

16 A They recommended me for firefighter of the
17 year and I had no idea.

18 Q Well, that's because they were recommending
19 you, right? Presumably, they wanted it to be a
20 surprise?

21 A Mm-hmm.

22 Q Okay. Other than that, are you aware of

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

105

1 Q Would you be able as Captain II to identify
2 yourself, I think this firefighter has some
3 deficient skills and needs some remedial training?

4 A Oh, most definitely. Yeah, that's
5 definitely one of my responsibilities. Like I said,
6 we try and get everybody up to the highest skill
7 level they can possibly do so we can all operate
8 most efficiently on the fire scene. Because that's
9 truthfully our number one priority is when the tones
10 go off, we go out and do our job the best possible.

11 Q And is that because your overall
12 responsibility as the Captain II on the C shift was
13 to ensure operational readiness of the C shift at
14 the Franconia station?

15 A Yeah. I'm responsible for oversight --
16 well, overseeing the readiness. I've got to make
17 sure we're ready to respond to calls, just like the
18 lieutenant on the truck needs to make sure they're
19 ready to respond to calls, and really, just like my
20 technician on the engine has to do. Because he has
21 to make sure that when he's teaching somebody to be
22 a pump operator, so when we get into the heat of it,

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

106

1 when there's a big incident going on, they are
2 multiple lines off the engine, that they can go and
3 handle their responsibilities in his place just as
4 well as he would do if he was there.

5 Q Could you read the next line that says
6 serves?

7 A Serves as a coach and mentor in the
8 professional development of subordinates.

9 Q Would you agree that that was one of your
10 job duties as Captain II on C shift?

11 A Yes, I would. It was just like all the
12 other people in the station, we always try to get
13 the people -- we're supposed to know the job of one
14 level below us and one level above us at all times.
15 So everybody's trying to make sure the people who
16 below them are training to get to their level and
17 mentoring, if you want to put it in this case, to
18 get to their level and that we're able to mentor
19 ourselves or get assistance from people above so we
20 can go to the next level if we need to.

21 Q Okay. And on the C shift, in your station
22 you were the highest ranking officer; is that

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

145

1 lieutenants on my shift. So he developed a lot of
2 the training and set up a lot of the training and
3 when we were going to do it based on what master
4 calendar opportunities were open.

5 Q For the training -- for the training that
6 you're responsible for, not just for conducting it,
7 but for making sure that it gets done at your
8 station, you would agree that you were evaluated as
9 providing training above and beyond the norm for
10 your personnel?

11 A Yes, ma'am.

12 Q And that your personnel is shift C?

13 A Yes, ma'am.

14 Q Okay. And did you ever actually conduct
15 trainings yourself when you were a Captain II at
16 Franconia?

17 A Yes, ma'am, I did conduct training myself.

18 Q Okay. Can you give me some examples of the
19 trainings that you conducted?

20 A Sometimes we'd do street drill trainings,
21 sometimes we'd do thermal imager training. We would
22 pull hose lines. It just depends. A lot of times

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

146

1 with the more basic training, I would have the more
2 basic firefighters do it and I would just sit there
3 and let them go ahead. Because I found that the
4 best way for somebody to learn is for them actually
5 to provide the training themselves.

6 Q Okay. So you would ask the firefighter, I
7 want you to lead the training on this topic today?

8 A It could be in certain cases, yes, ma'am,
9 or they would come to me and say, hey, I'd like to
10 do training on this today, and I'd say sure. We'll
11 do it.

12 Q Okay. So they would make a request and you
13 would say yes, or, presumably, you could say not
14 today, maybe later?

15 A Right. And then also they would
16 sometimes just in the bay after they got done with
17 morning check, they would just go do an impromptu
18 drill when I wasn't even there.

19 Q Are you aware of any those situations?

20 A Oh, yeah, all the time. All the time.

21 Q Even though you weren't there?

22 A Yeah -- no. No. No. I'm sitting in my

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

147

1 office. I have a window in my office that looks out
2 into the apparatus bay and I would see them doing
3 training and a lot of times I'd come out there to
4 hopefully participate with them.

5 Q So they could get together on their own if
6 they wanted to and say, hey, let's practice X?

7 A Yes, ma'am.

8 Q Okay. All right. We talked a little bit
9 earlier about discipline, and you referred I believe
10 to an oral reprimand. Is that one of the levels of
11 discipline that you could issue as a Captain II?

12 A I -- well, I would be the person that has
13 the signature on it, but like let's say if we're
14 talking about the one we were talking about, which
15 was from an accident, I'm not the one actually
16 issuing it. It's being issued from the -- from --
17 and I keep saying senior operations is who's doing
18 it, but that's the group that gets together and
19 decides what the penalty's going to be and it comes
20 through the chain of command. So I am actually the
21 one that has -- that is required to write it because
22 they tell me to and I have to administer it to the

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

249

1 A No, I do not have any reason -- without
2 counting, I don't have any reason to disagree.

3 Q Are you familiar with the term "light
4 duty"?

5 A Yes, ma'am, I am.

6 Q What does that term mean?

7 A That means somebody that's been assigned to
8 the office because they've injured themselves. It
9 could be injured themselves in the field or injured
10 themselves off duty. It's an opportunity for them
11 to keep working for the county so they don't have to
12 use their own leave during their time of illness or
13 injury.

14 Q Have you ever been placed on light duty?

15 A Yes, ma'am.

16 Q Were you on light duty as a Captain II at
17 any point?

18 A I think I was on it twice as a Captain II.

19 Q Do you know for about how long?

20 A I'm thinking twice. I'm not sure how long
21 it was. I know I was on it when I dislocated my
22 shoulder and I might have been on it when I broke my

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

250

1 foot, but I'm not sure.

2 Q How did you dislocate your shoulder?

3 A I was working on a fire incident, we had a
4 church fire, I was going up on the roof to vent the
5 roof, I had thrown one ladder to the side bravo of
6 the structure. I was carrying another ladder up to
7 the roof, I got up on top of the roof, placed the
8 ladder on the roof, I was coming back down off the
9 ladder and I got a piece of my equipment stuck in
10 the ladder. When it did, it rolled the ladder.

11 I tried to hold on with my arm. When I
12 couldn't hold on anymore I had to drop -- actually
13 it was almost simultaneously. But I dropped to the
14 ground. The SCBA I had on my back ripped my
15 shoulder out of its socket and then I broke my foot
16 from landing on my feet.

17 Q Oh, so both injuries were the same
18 incident?

19 A No, no. They're -- I broke my foot playing
20 volleyball on a fire department trip, but it wasn't
21 a sponsored fire department trip.

22 Q But you were -- when you broke your foot on

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

251

1 a trip, you went on light duty because of that
2 injury?

3 A Yes. I'm not sure I went on light duty. I
4 know I used leave because of it. It wasn't that
5 long term. But I just can't say one way or the
6 other if I used light duty or not. I don't think I
7 did.

8 Q Would that be something that you would be
9 expect to be reflected in the county records whether
10 you went on light duty or not?

11 A Oh, most definitely. Sorry, sorry. But,
12 yeah, most definitely. You should be able to look
13 at our payroll and tell who's on light duty and
14 who's not, and also look at our TeleStaff and it
15 would show it in there.

16 Q The others that you refer to that led to
17 light duty, about how long did you stay on light
18 duty --

19 A It wasn't long.

20 Q -- as a result of that incident?

21 A Sorry about that. It wasn't long. When I
22 broke my foot it was actually -- it was -- the break

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

252

1 was minor so I didn't have to stay out of work that
2 long. Like I said, I'm not sure I went on light
3 duty but I --

4 Q The other one when you dislocated your
5 shoulder, when did -- how long did you stay on light
6 duty for that?

7 A Oh. I am not sure. I would have to go
8 back and research to find out.

9 Q Do you remember approximately when that
10 was?

11 A It was 2011 and I think it was August of
12 2011 but I can't tell you for sure.

13 Q What did you do while you were working
14 light duty?

15 A I came back. I actually was assigned to --
16 I'm trying to think who I was assigned to at the
17 office. I think I was assigned to Tom Arnold in the
18 office and I worked for our people that do GPS to go
19 out and check hydrants and make sure the hydrants in
20 their correct locations like that and information
21 like that and I was also allowed to work in the
22 station and do administrative work. I had to be in

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

281

1 on the apparatus.

2 Q And the apparatus that you were assigned to
3 was engine? What is it, what --

4 A Engine 405, that's a majority of the time.
5 Every once in a while I'd ride on the truck company,
6 just depending on what's going on, but for the most
7 part of the time I was with Engine 405.

8 Q And did Engine 405, when you were a Captain
9 II at Station 5, did Engine 405 ever go out
10 responding to a call without you on it?

11 A No, never went out when I was assigned to
12 the unit did it ever leave the station without me on
13 it.

14 Q And so is it fair to say that you responded
15 to as many fire and emergency calls on Engine 405 as
16 the subordinates assigned to that apparatus?

17 MS. PASCHAL: Objection, leading.

18 THE WITNESS: Yes, I did, and some of the
19 time I even responded to more because what happens,
20 let's say we're on ALS emergency and my medic is
21 needed on the medic unit, they'll get on the medic
22 unit and go to the hospital, we'll stay in service

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

282

1 and either stay at the station or go to the hospital
2 to pick them up, and we could possibly get calls in
3 between that time. So we could actually run more
4 than the medic assigned to the unit or a firefighter
5 if a firefighter has to drive the medic unit.

6 BY MS. ELKIN:

7 Q And would your answer be the same if I
8 asked you, for example, if you were filling out one
9 of these -- well, let me ask you. How much time a
10 year did you spend completing the performance
11 evaluations that you did for your lieutenants?

12 A Normally, I like to spend a lot of time on
13 performance evaluations, and I would say it's about
14 2 hours a person I would spend a year. So at the
15 max I ever spent probably a year, was about eight
16 hours because I -- the max time I had four
17 lieutenants assigned to me.

18 Q And did you -- I believe your testimony was
19 that you were the reviewer for the performance
20 evaluations that your lieutenants completed on the
21 firefighters that were assigned to their units?

22 A Yes, ma'am.

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

284

1 prepare that evaluation or would you get on the
2 engine with the men?

3 A No. I'd put that down and go ahead and get
4 on the engine with the men. If I had a personnel
5 file open, I'd close the personnel file, stick it in
6 my desk real quick, and then go.

7 Q And would your answer be the same regarding
8 whether you would -- if you were toned out while you
9 were in the middle of doing what you've called a
10 budget request or any of these other policies that
11 you referred to today in your deposition, would your
12 priority be to get on the engine with your crew or
13 to complete drafting the e-mail or the policy that
14 we've discussed here today?

15 MS. PASCHAL: Objection to form. Leading.

16 THE WITNESS: I'll make it simple. Our
17 number one priority is to run emergency calls. No
18 matter what I'm doing in the station, if we get a
19 call, I'm going on the call. The only time that
20 would be different is if somebody let's say walked
21 in the station and now we have another emergency
22 call in the station, I would not go on that call.

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

285

1 I would call the dispatch center and tell
2 them put another unit on a call. The only other
3 time that I can ever remember not going on a call
4 when it was dispatched was when one of my people got
5 hurt in the station either right prior to the call
6 and we had to take care of that person instead of
7 going on the emergency call.

8 BY MS. ELKIN:

9 Q And what did you do in that situation in
10 terms of notifying dispatch or your battalion chief?

11 A Well, the battalion chief I have to notify
12 down the road if it's an injury. As far as if
13 it's -- if we're not going on the call no matter
14 what, I'd pick up the hotline at the station or pick
15 up the radio and talk on the radio and tell them
16 they need to dispatch another unit on a call because
17 we're either on another call or unavailable because
18 of something else.

19 Q And I believe you testified that you have
20 been injured while serving as a Captain II; is that
21 correct?

22 A That is correct.

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

287

1 when I did that I tweaked my back, so I had some
2 back pain, muscle back pain.

3 BY MS. ELKIN:

4 Q Was that in or around February 23rd, 2014?

5 A I couldn't tell you the day but --

6 Q Was it this year?

7 A -- the document. Excuse me?

8 Q Was it this year?

9 A Yeah. It was very recently, yeah.

10 Q But you were a Captain II when that
11 happened?

12 A Yes, ma'am.

13 Q And did you say you were actually lifting
14 the person?

15 A Yes, I was actually lifting the person. I
16 was underneath her shoulders and reached around and
17 held onto her and the other two people were picking
18 up her lower body and we put her onto the bed.

19 Q And is that part of protocol or is that
20 against protocol when it comes to patient care for
21 Captain IIs? Are you allowed to put your hands on
22 the patient?

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

288

1 A Oh, yeah. No, we're -- we have to put our
2 hands on the patient. We're running with low
3 staffing in our department. We only have four
4 people. I have a driver that's taking care of the
5 apparatus. We go inside. So I have two
6 firefighters and me to pick this patient up which is
7 a heavy patient. I'm saying she was around 250 to
8 300 pounds.

9 It takes more than -- more than two people
10 to pick up. I can't just stand back and watch that
11 person picking them up. I have to help to do that.

12 Q Okay. I want you to fast forward to I
13 think you said March of 2014. Is that when you
14 became a battalion chief?

15 A Yes, ma'am.

16 Q In Battalion 7?

17 A Yes, ma'am.

18 Q Have you had an opportunity to be
19 dispatched to calls as a battalion chief in
20 Battalion 7?

21 A Yes, ma'am.

22 Q Is that part of your regular job duties?

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

289

1 A Yes, ma'am, it is.

2 Q When is the last time you were dispatched
3 to a call as a battalion chief in Battalion 7?

4 A Yesterday, I think I was dispatched to four
5 calls yesterday. Two of them were reported fires --
6 actually, three of them were reported fires and I
7 can't remember what the other call was. I'd have to
8 look it up to see. One of them actually was a fire
9 where I got on the scene and actually I was able to
10 take a position in the incident command system.

11 Q What does that mean?

12 A What I did, I got on the scene, I did a
13 quick lap of the building when I got there and I
14 went and reported to the battalion chief who had
15 command of the incident. When I got there she told
16 me to go ahead and take division Charlie, which
17 means the rear of the building. So I went to the
18 rear of the building, I had two units already
19 assigned to me in that location. One was Engine 420
20 and the other one was Truck 422.

21 The Engine 420, their crew and their
22 officer were spraying water on the back of the

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

290

1 building up in the eaves trying to keep the fire out
2 of the attic space. Engine -- Truck 422 told me he
3 was going to go search the -- it was kind of a
4 confusing building -- on the back side, it was the
5 third floor of the building, so they went up over
6 the balcony, searched the third floor, and then went
7 up to the fourth floor and did the search.

8 I kept tabs on them and then all the
9 additional units that came to my location to assist
10 with the resources because being a warm day
11 yesterday, as soon as they'd get done with a task,
12 normally I would switch them out for another fresh
13 unit and send them to rehab so they could get -- get
14 drinks, Gatorade, water, and get some rest.

15 Q What did you observe with respect to
16 captains on either 420 or 422 or any of the other
17 units that responded? What were the captains doing
18 on the scene?

19 MS. PASCHAL: I'm going to object. This is
20 beyond the scope of the deposition.

21 BY MS. ELKIN:

22 Q Go ahead.

VIDEOTAPED DEPOSITION OF FRED H. BRANDELL, JUNIOR
CONDUCTED ON WEDNESDAY, MAY 28, 2014

295

1 Battalion 7?

2 MS. PASCHAL: Same objection.

3 THE WITNESS: Yes, it would be.

4 BY MS. ELKIN:

5 Q Who replaced you as Captain II on shift C?

6 A Captain I Tim Barb got promoted to Captain
7 II and took my place.

8 Q And that person was not one of the persons
9 who was suggested to you by your crew at that
10 station; is that correct?

11 A No, he was not. He was one of the newly
12 promoted Captain IIs off the list and he was not one
13 of the people that was suggested to me by my
14 lieutenants -- or firefighters. Excuse me.

15 Q When you went to Richmond with Ardike, --

16 A Mm-hmm.

17 Q -- were you a battalion chief?

18 A Yes, I was already a battalion chief.

19 Q The Fire RMS reports, a lieutenant can fill
20 those out?

21 A Yes.

22 Q Can a firefighter fill those out?

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

-----x
GERARD MORRISON,)
et al.,)
Plaintiffs,) Civil Action No.:
v.) 1:14cv5
COUNTY OF FAIRFAX, VIRGINIA,)
Defendant.)
-----x

30(b)(6) Deposition of COUNTY OF FAIRFAX, VIRGINIA

By and Through its Representative

ASSISTANT CHIEF JOHN CAUSSIN

McLean, Virginia

Wednesday, May 21, 2014

9:38 a.m.

Job No: 1-248580

Pages: 1 - 410

Reported by: Kelly Carnegie, CSR, RPR

1 that the officer in charge and/or the battalion chief
2 would file for the daily report that gets provided to
3 the senior staff and the fire chief.

4 Q Okay. And would you be a member of senior
5 staff?

6 A Yes.

7 Q Would a deputy chief be a member of senior
8 staff?

9 A Yes.

10 Q Okay. Are battalion chiefs a member of
11 senior staff?

12 A No.

13 Q And you would agree that captains are not
14 members of senior staff either?

15 A Right.

16 Q All right. So the OIC -- I'm sorry, the
17 significant incident reports, are those also referred
18 to as SIRs?

19 A Yes.

20 Q Did you receive an SIR today for the
21 Macaroni Grill fire from 3:30 in the morning last
22 night?

1 position, and that is that, you know, the captains are
2 in there supervising their crew's operation and, you
3 know, developing strategy and tactics in collaboration
4 with the incident commander, whoever that person is at
5 the time.

6 BY MS. ELKIN:

7 Q And do you know whether the battalion chief
8 who reached that fire took control of the fire from
9 whatever officer in charge had originally had control?

10 MS. PASCHAL: Objection. Objection to form
11 and beyond the scope of the 30(b)(6) topics.

12 A Based on what I saw in the pages and stuff,
13 I would expect that the battalion chief did assume
14 command once he or she arrived, assumed it from the
15 incident commander.

16 BY MS. ELKIN:

17 Q And do you know whether at that point the
18 incident commander would have been at the rank of
19 captain or commander? Is that right?

20 MS. PASCHAL: Objection, calls for
21 speculation.

22 A Yeah. I don't know who was the initial

1 incident commander.

2 BY MS. ELKIN:

3 Q But would you agree that on a fire that the
4 original -- the incident commander is going to be at
5 the rank of captain or lieutenant?

6 A It would be one of the two.

7 Q Okay. Do you know -- and if you don't know,
8 that's fine, because I know this fire just happened,
9 you know, less than five hours ago.

10 A Right.

11 Q Do you know whether the captain who
12 relinquished control actually assisted in the blaze,
13 in containing the blaze?

14 MS. PASCHAL: Objection to form and beyond
15 the scope of the 30(b)(6) topics.

16 A My expectation is that the captain was there
17 supervising his or her crew executing, you know, the
18 suppression effort.

19 BY MS. ELKIN:

20 Q And when you say -- sorry. When you say
21 supervising the crew, are captains also pulling hose
22 and climbing ladders and that kind of thing? Is that

1 That's -- that's the job. That's why we have captains
2 and supervisors.

3 BY MS. ELKIN:

4 Q Okay. And when you say lead or supervise
5 the crew, are they standing off in the corner having
6 like a cup of coffee while it's happening, or how are
7 they engaged in the process?

8 MS. PASCHAL: Objection to form.

9 A They should be in close proximity to their
10 crew.

11 BY MS. ELKIN:

12 Q Okay. And this Macaroni Grill fire from
13 last night --

14 A Uh-huh.

15 Q -- do you know whether a battalion chief was
16 up on the ladder helping contain the fire?

17 MS. PASCHAL: Objection, beyond the 30(b)(6)
18 topics.

19 BY MS. ELKIN:

20 Q Do you know?

21 A I don't know.

22 Q Okay. Would that be against policy if he

1 or she were?

2 MS. PASCHAL: Objection to form, also calls
3 for speculation.

4 A The -- again, something has gone wrong or
5 our resources are totally depleted. Anybody from the
6 fire chief on down to the newest firefighter may in
7 effect have to climb a ladder, whatever, depending on
8 the situation.

9 So my expectation is that the captain or the
10 battalion chief is supervising and directing a
11 firefighter or technician or lieutenant and his or her
12 crew to perform that task. Again, not that any of us
13 in uniform are above performing the task if the
14 situation dictates, but by and large, they're supposed
15 to be there supervising. That's why the position
16 exists.

17 BY MS. ELKIN:

18 Q And would you agree, though, that the
19 captain, if they're first on the scene, that once the
20 battalion chief gets there -- the battalion chief is
21 called to the fire -- that the captain will relinquish
22 control of commanding the scene to the battalion

1 the chain of command.

2 BY MS. ELKIN:

3 Q Okay. And what is the chain of command in
4 the fire department if -- you start with the fire
5 chief at the top, I would assume?

6 A Right. So the fire chief is at the top, and
7 then three assistant fire chiefs, and then nine deputy
8 fire chiefs, and then the next level is battalion
9 chiefs.

10 Q How many of those?

11 A Total? Let's see. In my area of
12 responsibility, there are 21, 22 -- 22.

13 Q And then you're the assistant chief of
14 operations. We also know that there's an assistant
15 chief for safety and personnel. What's the third
16 area? Support?

17 A Business services.

18 Q Okay. Do you know how many battalion chiefs
19 are assigned to those other two areas?

20 A I would be guessing. I'd need a chart to
21 count them all.

22 Q Okay. And you said there were 22 BCs in

1 your division. I know that there's seven --

2 A Actually, 23, 24. There's actually more
3 than that. There's 21 assigned to the field, the EMS
4 tech rescue, and HazMat. So 24. Yeah, so there would
5 be 24 in my area of responsibility.

6 Q Okay. So I was going to ask what those
7 other -- the 21, those are the seven battalion chiefs
8 times three different shifts?

9 A Yes.

10 Q Okay. And then how many Captain IIs?
11 Captain II station commander, if you want to start
12 there.

13 A Yeah. Well, there's 38 station commanders.

14 Q All right. And there are 38 fire stations?

15 A Uh-huh.

16 Q And then how many EMS Captain IIs?

17 A There are seven, one per battalion. Let me
18 think. And that -- yeah, I don't have any others in
19 the bureau under my area of responsibility that I can
20 recall.

21 Q So there's seven -- there's one per
22 battalion. Are they -- are there not 21 of them, the

1 EMS captains?

2 A Correct.

3 Q So there are 21?

4 A 21. I'm sorry.

5 Q And then shift commanders, how many Captain
6 I shift commanders in operations?

7 A So let's see. It's dangerous for me to do
8 math in public.

9 Q Is it 38 times two?

10 A There's 114 minus 38 --

11 Q Okay.

12 A -- would be how many Captain I shift
13 commanders there are.

14 Q What's the 114 number?

15 A That's 38 stations times three shifts.

16 Q So it's 76?

17 A If that's what the math yields.

18 Q All right. And how many lieutenants are
19 there in operations?

20 A Let's see. There is one assigned -- one per
21 rescue squad, so that's three times eight, which is
22 24.

1 Q Okay.

2 A 14 trucks times three, 42.

3 Q Wait. So 14 trucks, three shifts. Is that
4 how you're doing it?

5 A Yes.

6 Q Okay.

7 A Uh-huh. So 24, 42, and then there are five
8 lieutenants assigned to engines because the Captain I
9 is an EMS only Captain I. They serve as the shift
10 commander, but they do it from a medic unit.

11 Q Okay.

12 A So that's a little anomaly in the system.
13 So add five lieutenants to that, plus approximately 21
14 relief lieutenants on each shift. So --

15 Q Do they -- sorry.

16 A 21 times three, 63.

17 Q And what is a relief lieutenant?

18 A That is a lieutenant that is assigned to a
19 battalion to fill in when another lieutenant or
20 captain is off.

21 Q Okay. So do those relief lieutenants have a
22 home station?

1 but I do know that there's staffing changes in
2 progress right now.

3 Q Within the personnel services bureau?

4 A Yes.

5 Q Okay. That's just very general. Do you
6 want to -- can you describe what the staffing changes
7 are?

8 A I know within, for instance, safety and
9 personnel services division that they're looking at
10 doing some restructuring to deal with Workers'
11 Compensation, employee injuries and things of that
12 nature. That's the extent of my knowledge on that.

13 Q Okay. And where do the Captain I safety
14 officers, what box would they fit in on this chart
15 currently?

16 A Under the safety section battalion chief.

17 Q Okay. And is that a change or has that been
18 the same since at least January 2011?

19 A That has been the situation, and earlier we
20 referred to the recent Captain II position being put
21 in. So that, the safety section battalion chief and
22 the shift safety officers -- the shift safety

1 and I want to just have a yes or no.

2 MS. PASCHAL: You can't limit him to a yes
3 or no.

4 MS. ELKIN: Can you read the question back?
5 (The reporter read the requested question.)

6 MS. PASCHAL: Objection, asked and answered.

7 BY MS. ELKIN:

8 Q You can answer it. Do me a favor. Answer
9 with a yes or no, and then if you need to explain,
10 that's fine.

11 MS. PASCHAL: Same objection.

12 A The responsibilities are the same across all
13 the work locations for a shift commander.

14 BY MS. ELKIN:

15 Q And the authority is the same across all
16 work locations for a shift commander, correct?

17 MS. PASCHAL: Objection, asked and answered.

18 A Yeah. Their responsibilities and their
19 authority to run their shift is the same at all 38
20 work locations.

21 BY MS. ELKIN:

22 Q And their job duties are the same across all

1 work locations as well, correct?

2 MS. PASCHAL: Objection, asked and answered.

3 A Their job responsibilities, duties and
4 responsibilities, for running their shift are the same
5 at each one of the work locations.

6 BY MS. ELKIN:

7 Q Okay. For Captain II station commanders, no
8 matter what station they're assigned to, no matter
9 what shift they're assigned to, you would agree that
10 the Captain II station commanders' job duties are the
11 same no matter -- job duties are the same?

12 MS. PASCHAL: Objection to form.

13 A Yeah. The Captain IIs are -- they're the
14 work location supervisors. They're responsible for
15 not only their assigned shift, but the entire
16 facility, and they work with the Captain Is to run
17 that station. And in all 38 of the work locations,
18 they are expected to execute those same duties and
19 responsibilities.

20 BY MS. ELKIN:

21 Q Okay. And they would have the same level of
22 authority as well, the Captain IIs?

1 A Captain IIs --

2 Q Station commanders?

3 A -- should have the same authority within
4 their work location.

5 Q Okay. Regardless of work location, correct?

6 A We're talking about one of the 38 fire and
7 rescue stations?

8 Q Yes.

9 A Yes. Their authority and responsibility
10 should be the same across the 38 stations.

11 Q And then the six safety officer Captain Is,
12 no matter what shift they're assigned to or whether
13 they're assigned to station 35 or 15, their job duties
14 and responsibilities are the same, correct?

15 MS. PASCHAL: Objection to form.

16 A Well, you know, because they're not in my
17 direct -- they don't report directly to me. I can't
18 answer that specifically. The class specification
19 requirements are the same. What their immediate
20 supervisor has them do, whether there's any variance,
21 I can't answer that question.

22 BY MS. ELKIN:

1 A Right.

2 Q The job duties, the responsibilities, et
3 cetera, the different topics in that notice, correct?

4 A Right.

5 Q You understand that?

6 A I do.

7 Q Okay. What about the station two EMS
8 supervisors? I'm sorry. Captain II EMS supervisors.
9 You would agree that no matter what shift, what
10 station they're assigned to, they would have the same
11 job duties, responsibilities, and authority?

12 MS. PASCHAL: Objection to form.

13 A So the expectation is that they are
14 performing as the EMS supervisor in their assigned
15 battalion and they're all afforded the same, you know,
16 authority to work as part of the battalion management
17 team and the assigned officer to execute their duties.

18 BY MS. ELKIN:

19 Q Okay. You are going to need to answer the
20 question, though. The question was are their job
21 duties, assignments -- I'm sorry, job duties,
22 responsibilities, and authority, the EMS Captain II

1 supervisors, the same no matter what shift or station
2 they're assigned to? And I'm going to ask you about
3 what they do, but I just want to know generally are
4 they the same no matter what shift or what station
5 they're assigned to?

6 MS. PASCHAL: Objection, compound,
7 argumentative, and asked and answered.

8 A The EMS captains, by virtue they're all EMS
9 supervisors, are afforded the same responsibility and
10 authority to execute their duties across, you know,
11 the 21 battalions that they're out their representing.
12 Seven, one per battalion, times 30 shifts.

13 BY MS. ELKIN:

14 Q Okay. And just to go back, the stations
15 that you listed when we were looking at Exhibit 37 --
16 for example, the battalion seven, station 32 -- is
17 that where the battalion chief is assigned, or is that
18 where the EMS captain was assigned? I couldn't -- I
19 can't remember.

20 A That change -- it was the safety officer
21 previously. It's now the battalion chief.

22 Q Okay. Where are the EMS -- looking at that

1 A I work -- I'm assigned a 40-hour work week,
2 Monday through Friday.

3 Q Okay. And is that the same for the other
4 assistant chiefs also?

5 A Yes.

6 Q And the fire chief is assigned a 40-hour
7 work week also?

8 A Yes.

9 Q And do you have Fairfax County job duties as
10 an assistant chief out of town?

11 A No. The reason for my question is we're
12 subject to call as long as we're in the area.

13 Q Okay. What is the mission of the fire
14 department?

15 A The mission of the department is to protect
16 the life, property, and environment of this community.

17 Q And this community is Fairfax County?

18 A Yes.

19 Q I'm going to hand you a document. We'll
20 mark it as Exhibit 38.

21 (Deposition Exhibit No. 38 was marked for
22 identification and was attached to the deposition

1 Q Okay. And that would include all the people
2 even if they're on 40-hour shifts? If they're
3 uniformed firefighters, that would include everybody,
4 correct?

5 A Yes.

6 Q Okay. And then what are -- what is this at
7 the right-hand side, the unit -- the units? What does
8 that list?

9 A That's the number of engine companies that
10 we staff with a paramedic, which is not representative
11 of the newest station 42.

12 Q Okay. So the first unit, an ALS engine,
13 there's 37 of those?

14 A There's 38 of those now.

15 Q Okay. That's why you said it wasn't --
16 didn't include the --

17 A Correct.

18 Q -- last one?

19 A The Wolf Trap station.

20 Q And then ALS medical transport, is that an
21 ambulance?

22 A Yes.

1 Q And then what is a tower ladder?

2 A A tower ladder is a ladder that has a
3 platform with siderailings on it, so a platform for a
4 firefighter to stand on and operate from.

5 Q And if you go back to the front page in the
6 bottom left-hand corner, is that a picture of a tower
7 ladder? If you can tell.

8 A I can't --

9 Q Okay.

10 A -- definitively tell from the darkness of
11 the picture.

12 Q What is an aerial ladder?

13 A An aerial ladder is just simply a straight
14 ladder that, you know, is 100, 110 feet in length.

15 Q Okay. And these are all trucks, though? An
16 area ladder is an aerial ladder truck, right?

17 A They're all generally referenced as trucks.

18 Q Okay. And what is -- I think you said an
19 ALS medical transport is an ambulance?

20 A Correct. It is a EMS transport unit that
21 may have one EMT and one EMT paramedic or ALS
22 certified. Fourteen of the transport units actually

1 have a lieutenant assigned to them with another ALS
2 technician paramedic.

3 Q And the ALS engines, what are those?

4 A Those are a fire engine with four people,
5 one of which is a paramedic.

6 Q Okay. How -- and you said -- you just
7 said -- that's my next question. How are each of
8 these different apparatus staffed? You said the ALS
9 engine has four people. One is a paramedic. Who are
10 the others?

11 A So on the engines, with the exception of
12 five instances, the engines either are staffed with a
13 Captain II or a Captain I.

14 Q Okay.

15 A The aerial ladders --

16 Q Wait. I'm sorry. Go through -- you said
17 there's four people on it. So there's a captain?

18 A I'm sorry. Apparatus technician, a Captain
19 I or Captain II, depends on which shift, a firefighter
20 or firefighter medic, and an ALS technician. But the
21 firefighter medic can work up and serve as -- in that
22 capacity of the ALS technician.

1 rescue.

2 A Yeah, yeah.

3 Q And a battalion chief and a deputy chief?

4 A Two battalion chiefs and two EMS
5 supervisors.

6 Q Okay. And did the deputy chief end up at
7 that one too on the shift?

8 A Yes. The deputy chief added on to the
9 dispatch.

10 Q All right.

11 A He was not on the original dispatch.

12 Q So the four engines -- and I understand now
13 they're going to be staffed with a captain or a
14 lieutenant?

15 A Uh-huh.

16 Q And then you said two firefighters and a
17 medic. Is that right?

18 A A driver, apparatus technician, an ALS
19 technician or firefighter medic and firefighter.

20 Q Okay. And a captain?

21 A Correct.

22 Q Or a lieutenant?

1 A Or a lieutenant working up.

2 Q Okay. When you say working up, is the
3 lieutenant getting any kind of different pay for the
4 day that he is working as a captain?

5 A Not for that day, no.

6 Q Okay. And the lieutenant would be earning
7 time and a half if it's an overtime shift, correct?

8 MS. PASCHAL: Objection, beyond the scope of
9 30(b)(6) topics. He's answering from personal
10 knowledge.

11 A If they're called back on overtime, yes,
12 they'll be making time and a half.

13 BY MS. ELKIN:

14 Q Okay. So on that dispatch, the stations
15 that are dispatched, the four engines that go --

16 A Uh-huh.

17 Q -- would you agree that -- let's say that
18 day there is a captain working each one of those
19 stations. Would a captain be on each one of those
20 engines that were dispatched?

21 A If everything was staffed, if no one was off
22 and everything was staffed as it should be, unless it

1 A Yeah. The shift commander, the Captain I or
2 the Captain II, if that's the supervisor, or the
3 immediate supervisor does -- signs off on that. So in
4 the case of two lieutenants or, you know, anybody else
5 that would be the Captain I or Captain II that signs
6 off on that.

7 Q Okay. And what about if -- is it -- under
8 the shift exchange policy of the fire department, it
9 is acceptable for lieutenants and captains to exchange
10 shifts. Is that correct?

11 MS. PASCHAL: Objection to form, and also
12 beyond the scope of the 30(b)(6) topics.

13 A As long as it was within the parameters,
14 meaning the certifications and qualifications and the
15 immediate supervisors approved it, they could work in
16 exchange for that given day.

17 BY MS. ELKIN:

18 Q And they do in fact? Lieutenants and
19 captains regularly do shift exchanges with each other,
20 correct?

21 MS. PASCHAL: Objection to form and beyond
22 the 30(b)(6) topics.

1 MS. ELKIN: He is the chief of operations.

2 I would assume this is something -- if he doesn't --
3 he would know from his own -- when you say personal
4 knowledge, his knowledge as the chief of operations.

5 MS. PASCHAL: He can answer from personal
6 knowledge, but it's beyond the scope of the topics
7 he's been designated for.

8 A There has been occasions when those
9 exchanges have gone on. I cannot speak to the
10 frequency that -- we see that more typically it's
11 peers.

12 BY MS. ELKIN:

13 Q Okay. It doesn't -- you don't have to
14 approve it. If a lieutenant and a captain do a shift
15 exchange, that doesn't come up to your level, correct?

16 A Correct.

17 Q All right. When we were talking about the
18 minimum staffing levels for the different apparatus in
19 39 -- is that Exhibit 39 in front of you? 38?

20 A Uh-huh. Yes, yes.

21 Q And we were talking about this is the fire
22 department's policy, the minimum staffing levels, et

1 cetera. If a captain wanted to, for example, decide
2 on an engine that he's assigned to for the day, he
3 doesn't want to go on a call to which he's dispatched,
4 you guys go, I've already been on 11 calls, would that
5 be acceptable?

6 MS. PASCHAL: Objection to form.

7 A Without a cause, without cause, he or she
8 should respond to the call just like the deputy chief,
9 just like the battalion chief, just like the Captain
10 II. They're there to provide a service.

11 They do have the discretion to not respond
12 if there's a condition that warrants that, mechanical
13 problem, problem with one of the crew members or what
14 have you. But to arbitrarily refuse to provide
15 service, that would be whether it's, you know, anybody
16 from the deputy chief down.

17 BY MS. ELKIN:

18 Q Okay. So --

19 A Yeah. So they would --

20 MS. PASCHAL: Let him finish.

21 A We would be looking for cause for them to do
22 that. They do have the discretion, but there should

1 A A lieutenant acting up or a Captain I or
2 Captain II.

3 Q Okay. That is the policy and the practice
4 for Fairfax County fire department fire suppression
5 responses, correct?

6 MS. PASCHAL: Objection, asked and answered.

7 A Yeah. You have to go back -- go ahead back
8 and summarize what you're wanting me to agree to.

9 BY MS. ELKIN:

10 Q When a crew responds, they need to have --
11 on an engine they need to have a captain or a
12 lieutenant acting as a captain. That is the policy of
13 the Fairfax County Fire and Rescue Department,
14 correct?

15 A That is our minimum staffing policy. Again,
16 that's where the captain is going to have to exercise
17 their discretion whether it's to have them, you know,
18 work under an officer of another adjoining unit. I
19 mean, you're talking about thinking outside of the box
20 and exercising judgement, and that is something that,
21 you know, the men and women that advance to the
22 Captain I or II or higher level, you know, are

1 supplying another engine and the battalion chief might
2 reassign the balance of the crew to another officer.

3 Q But the policy, again, is that a captain
4 generally, the general -- forget about the exceptions.
5 The general policy is every time someone's toned out,
6 the engine is toned out at station 42 --

7 A Uh-huh.

8 Q -- the captain is going to ride on an engine
9 with his crew, correct?

10 A That is --

11 MS. PASCHAL: Objection, asked and answered.

12 BY MS. ELKIN:

13 Q Correct?

14 A The expectation is that is the normal
15 occurrence.

16 Q Okay.

17 A Yes.

18 Q Do you expect your battalion chiefs to know
19 what's going on within their -- each of their assigned
20 battalions --

21 MS. PASCHAL: Objection to form.

22 BY MS. ELKIN:

1 A It has been done. I can't quantify it.

2 BY MS. ELKIN:

3 Q You can't say if it's done -- if Brandell
4 has done it one time, no times, or more than ten times
5 in the last five years?

6 MS. PASCHAL: Objection to form.

7 A Yeah. I -- I can't answer how many times
8 that he's done it.

9 BY MS. ELKIN:

10 Q Okay. But any time I see an E405 here, that
11 means that's the engine he was assigned to and that's
12 the engine he rode with. Is that right?

13 A Based on what I can interpret from this
14 report, yes.

15 Q Okay. And --

16 A It appears he was the officer in charge of
17 the unit that day.

18 Q And then if he is on that E405, every time
19 that E405 goes out with him on it, there's going to be
20 a crew of three other people on it below his rank,
21 correct?

22 MS. PASCHAL: Objection to form.

1 A Well, again, that is the expectation unless
2 there's a condition that would prohibit one member
3 from responding and he has elected to respond one
4 person short.

5 BY MS. ELKIN:

6 Q Okay. So -- but every time -- he's never
7 going to ride engine 405 by himself to a fire?

8 A No.

9 Q Okay. So he's going to have at least one
10 person below his rank riding with him on every single
11 time he's on E405, correct?

12 A On the engine, I think that -- yes, that's a
13 fair statement. He's got someone under him on there.

14 Q Okay. We also have -- well, normally -- is
15 it your expectation, though, normally it's minimum
16 staffing of four people? So the captain and three
17 others. Is that right?

18 MS. PASCHAL: Objection, form.

19 BY MS. ELKIN:

20 Q We've already been -- is that right?

21 A My expectation is that they're responding
22 with a minimum of four personnel on there.

1 Q Okay. So on this day, 11/3/2010, I counted
2 one, two, three, four, five, six -- let's see. Eleven
3 calls --

4 A Uh-huh.

5 Q -- that he responded to as the captain in
6 charge.

7 A Okay.

8 Q On every single one of those calls, would
9 you agree that he rode the engine as many times that
10 day as a firefighter below him?

11 MS. PASCHAL: Objection, foundation, and
12 objection to form, and beyond the scope of the
13 30(b)(6) topics.

14 A If he ran 11 calls that day, unless there
15 was some condition that we've discussed earlier, I
16 would expect that he went with four personnel on the
17 engine.

18 BY MS. ELKIN:

19 Q Okay. So if we had the names of the people
20 on his shift, his crew members -- let's say John Doe
21 is a crew member, the firefighter on the shift. John
22 Doe's incident report should look exactly the same as

1 Brandell's incident report? In other words, it would
2 have the same -- they're going to be dispatched at the
3 same time. Is that correct?

4 MS. PASCHAL: Objection. It calls for
5 speculation.

6 A Yeah. I'm not sure if I understand the
7 question. John Doe being who?

8 BY MS. ELKIN:

9 Q A firefighter on Brandell's crew.

10 A Okay.

11 Q So he would have the same -- you know, let's
12 go to the first call, 5:55 a.m. John Doe's incident
13 date would also be 11/30/2010 [sic], 5:55 a.m. They
14 would have the same time listed?

15 MS. PASCHAL: Objection. Objection to
16 foundation, calls for speculation.

17 A Well, only the officer in charge has the
18 obligation to file an incident report. So if I'm
19 understanding your question, Firefighter John Doe
20 wouldn't have a report in the system, only Captain
21 Brandell would.

22 BY MS. ELKIN:

1 Q Okay. So there's no -- we can't look up --
2 there's no way to look up Firefighter John Doe's -- an
3 incident report for Firefighter John Doe assigned to
4 station five?

5 A There -- if we want to find out if
6 Firefighter John Doe was on an incident that his
7 captain filed, we could -- we could go query the
8 report and the report should have the crew members
9 listed on there by the captain.

10 Q Okay. So if we queried the report, we would
11 see John Doe's name every time we saw Brandell's name
12 for every call that Brandell went to on 11/3/2010?

13 MS. PASCHAL: Objection, calls for
14 speculation.

15 BY MS. ELKIN:

16 Q Go ahead.

17 A Each time the officer files a report, the
18 crew that accompanied them that they were supervising
19 should be reflected on there.

20 Q Okay. And the crew would not have -- unless
21 there's some crazy thing happening, the crew would not
22 have gone on any more runs than Brandell did on

1 11/3/2010?

2 MS. PASCHAL: Objection, calls for
3 speculation.

4 A There are -- you know, there are conditions
5 where if the captain assigned them to the brush unit
6 or something to respond on a brush fire, call to
7 assist another company and he elected to stay back and
8 redeploy his or her resources, I mean, that -- that's
9 an example of where, you know, the person may show up
10 on a report that Captain Brandell was not on. But
11 generally speaking, if the captain is operating with
12 the crew, everybody should be on there, represented on
13 there.

14 BY MS. ELKIN:

15 Q So Firefighter John Doe on 11/3/2010 should
16 have at least as many calls as Brandell? He should
17 have 11 calls?

18 MS. PASCHAL: Objection, asked and answered,
19 and also calls for speculation.

20 A Generally speaking, the crew should be with
21 the captain unless a condition exists that we've
22 talked about in previous questions.

1 A Stabbing.

2 Q WIRES, W-I-R-E-S?

3 A Report of electrical wires down.

4 Q Okay. Would you agree that anybody assigned
5 to the shift can do the incident report?

6 MS. PASCHAL: Objection to form, also beyond
7 the 30(b)(6) topics for this witness.

8 A The officer in charge is responsible to
9 ensure an incident report is done. He or she may
10 delegate that task.

11 BY MS. ELKIN:

12 Q To another firefighter or lieutenant?

13 A Yeah, someone that they're training or
14 preparing or what have you. They retain ultimate
15 responsibility for the incident report.

16 Q And if a captain does not go on a dispatched
17 call, if Brandell did not go on one of these E405
18 calls and he did not have cause --

19 A Uh-huh, uh-huh.

20 Q -- to refuse the call, he would be subject
21 to discipline, correct?

22 A If he did not -- if it was deemed he

1 arbitrarily just refused to perform his duties?

2 Q Well, in this case, yes, refused to go on
3 the call.

4 A Yeah, with -- barring any, you know, cause,
5 he would be subjected to not executing his duties.

6 Q And the causes that we talked about were
7 illness or injury or the apparatus doesn't work,
8 correct?

9 A Uh-huh, right. Another scenario could be
10 that if the captain felt there was another unit that
11 was either closer or more suitable for the type of
12 call, they could replace themselves. That -- that's a
13 possibility, but that wouldn't be viewed as -- they've
14 made sure that the response has -- they ensured the
15 continuance of the response, but provided either a
16 more appropriate resource or a closer resource.

17 Q So they would still go to the call, but at
18 some point some other engine is on the way and they
19 can turn around?

20 A I'll give you an example: Let's say the
21 engine was dispatched for a public service and the
22 captain, based on information on dispatch, may

1 mark themselves in service.

2 Q Okay.

3 A If you're done with this, I'd like to take a
4 break.

5 Q Okay. I might not be done with that, but we
6 can take a break.

7 A Okay. Thanks.

8 (A brief recess was had.)

9 BY MS. ELKIN:

10 Q Earlier you talked about the importance of
11 training in the fire department. Do you recall that?

12 A Yes, I do.

13 Q Okay. And you said that the captains do
14 training on a regular basis. Is that right?

15 A They train with their personnel, yes.

16 Q Okay. And that is training related to fire
17 suppression, emergency response activities. Is that
18 right?

19 A It's training -- it's really quite broad. I
20 mean, it's what the training division sends out. It's
21 what they decide their personnel could use or benefit
22 from. It's working with their peers and/or their

1 battalion chief on what would be a good topic for, you
2 know, a battalion or their specific company, so...

3 Q Okay. But the training, you would
4 expect that -- as long as they're not running calls
5 the entire shift, you would expect training to be
6 conducted with the captain and his crew each shift?

7 MS. PASCHAL: Objection to form.

8 A Of course, you know, a lot depends on what
9 the captain has scheduled for the day, but it is
10 expected that they're performing training on a regular
11 basis.

12 BY MS. ELKIN:

13 Q And the training could include search and
14 rescue training?

15 A It could include search and rescue training.

16 Q Forcible entry training?

17 A It could include forcible entry training.

18 Q Street drills?

19 A Street drills, yes.

20 Q Preplanning, knowing the area?

21 A The captain works with the station commander
22 to determine a building that needs preplans, and then

1 go out and perform those preplans.

2 Q Okay. And the firefighter could lead the
3 training in the station, correct?

4 A Based on the subject matter area, if the
5 captain deemed that a firefighter was in a position to
6 deliver it, they could deliver it.

7 Q So a firefighter could deliver the training,
8 a lieutenant could deliver the training, or one of the
9 captains could deliver the training. Is that correct?

10 A It's as the shift leader or the station or
11 shift commander would decide who's best postured to
12 deliver the training, so it could --

13 Q But you would -- you would agree with me
14 based on your experience, even as a captain --

15 A Uh-huh.

16 Q -- that it could be a captain doing the
17 training for the day, a lieutenant doing the training
18 for the day, or a firefighter doing the training for
19 the day, correct?

20 MS. PASCHAL: Objection, asked and answered.

21 MS. ELKIN: No, it wasn't.

22 MS. PASCHAL: Object to the commentary.

1 A So the captain has the ability to assign
2 whoever he or she would like from their shift to do
3 training that day, whether it be any of the makeup of
4 the shift. If they're in a station with all
5 technicians and firefighters, it could be one of them,
6 or a lieutenant in a multi-function company.

7 BY MS. ELKIN:

8 Q So any one of those ranks can conduct the
9 training for the day, correct?

10 MS. PASCHAL: Objection, asked and answered.

11 A If the captain feels that person is the best
12 person suited to deliver the training.

13 BY MS. ELKIN:

14 Q And you would agree that everybody assigned
15 to that shift that day is expected to participate in
16 the training?

17 A Yes. They are also supposed to participate.

18 Q And they train as a team, correct?

19 MS. PASCHAL: Objection to form.

20 A It depends on the evolution, depends on the
21 training.

22 BY MS. ELKIN:

1 assign and accomplish the training in the best way
2 that they see fit.

3 BY MS. ELKIN:

4 Q And how many hours a day does the captain
5 spend training with his crew?

6 MS. PASCHAL: Objection to form.

7 A Without looking at individual training
8 reports, I would hate to speculate. But, you know,
9 there is -- a lot of the routine depends on what the
10 captain has laid out, what his or her objectives are
11 for the day.

12 So, you know, the expectation is there is
13 training on a regular basis, some form of training on
14 a daily basis, but that's where the shift leader, the
15 shift commander, or station commander really kind of
16 do the planning. And then the planning and
17 scheduling, whether it's mandated training or
18 discretionary training on their part, it's their job
19 to kind of plan their activities around those things.

20 BY MS. ELKIN:

21 Q Does the training division -- you said they
22 send out certain things that need to be trained on?

1 A Right. They'll send out certain things that
2 need to be -- that need to be accomplished, and then,
3 you know, in a given period of time the captain will
4 figure out when to schedule that.

5 Q And what's the subject matter of the types
6 of training that would take place other than the ones
7 we've talked about, street drills, search and rescue,
8 that kind of thing?

9 A It could consist of, you know, continuing
10 education hours for the paramedics assigned to his or
11 her shift. It could be, you know, some -- some new
12 technology, some hazards associated with electric
13 vehicles. A myriad of topics and subjects,
14 constantly, constantly evolving, and there are a lot
15 of things that our men and women need to maintain
16 their knowledge base and awareness of.

17 So the training division sends those things
18 out, as well as just some basic skills that need to be
19 performed on a recurring basis to maintain proficiency
20 or whatever. So the captain has the standard
21 evolutions that they can refer to and work in to
22 either their company or battalion drills.

1 done on their shift, they need to plan around that,
2 those rotations.

3 The academy staff also comes out to the
4 battalions and conducts training, and that schedule is
5 developed in collaboration with operations to
6 accomplish that as well.

7 Q And what kind of training takes place at the
8 academy for the captain and his crew?

9 A For instance, flashover simulator training,
10 incident command training. There's a class B burn
11 building, which has propane as a fuel so they can
12 simulate structure fires, and the companies can deploy
13 like they would on a real incident and exercise their
14 skills. Incident command, you know, actual tactical
15 skills, hands-on skills, advancing hose lines,
16 throwing ladders, positioning apparatus, things like
17 that.

18 Q And the captains, are they expected to
19 participate in the training that's at the training
20 academy alongside their crew?

21 A Yeah, within the scope of their job, meaning
22 they supervise their crew or lead their crew into the

1 building. Given the scenario painted by the training
2 staff, they'll direct their crew based on the
3 information provided to them, whether that be assume
4 command, whether that be, you know, go to the second
5 floor and assume the division two and supervise
6 multiple companies, or just supervise their crew
7 advancing a hose line or conducting a search or
8 something like that.

9 Q So is it -- before when we were talking
10 about advancing a hose line, is it -- in reality, if
11 there's a real fire or even in the training -- let's
12 talk about in a real fire -- and the captain is
13 attacking that fire with his crew and at the same time
14 supervising his crew, the reality is the captain is
15 going to assist in advancing the hose, correct?

16 MS. PASCHAL: Objection to form.

17 A If they have to assist in advancing the
18 hose, we're missing something somewhere else because
19 their job is to supervise the advance, and if there's
20 a problem, using their experience and their knowledge
21 to troubleshoot, if the line is not making any
22 progress on the fire. We need them to be observing

1 training, would have somehow been present during the
2 training, correct?

3 MS. PASCHAL: Objection, calls for
4 speculation.

5 A If the captain had an entry on a training
6 session, then I'm taking -- I'm interpreting that as
7 if they were present with his or her personnel
8 observing, supervising, whatever, the training.

9 BY MS. ELKIN:

10 Q Okay. And is there a number of hours that
11 each captain must have logged for training each year?

12 A There's an objective of, you know, getting a
13 couple hours a training each shift day based on kind
14 of as a general -- general frame of reference or
15 general practice, but that varies based on what the
16 captain has, what other objectives or -- and/or the
17 activity level, emergency response level on a given
18 day, so...

19 Q Okay. But the objective, the goal is --
20 absent other circumstances, the goal would be the
21 captain should have two hours of training each shift?

22 MS. PASCHAL: Objection to form.

1 A His or her shift should have on average
2 about two hours each 24-hour work period.

3 BY MS. ELKIN:

4 Q Okay.

5 A That's kind of a general reference and has
6 been for many years.

7 Q Okay. And so the expectation then is also
8 not just for the captain to have two hours for each
9 shift, if possible, for training, but the lieutenants
10 should also have two hours --

11 A Uh-huh.

12 Q -- and the firefighters should also have two
13 hours, correct?

14 A You know, we've never taken it to that --
15 that level of detail. It's just the general principle
16 is, you know, look to accomplish training for a couple
17 hours each day that you come to work.

18 Q As a crew? The crew should have two hours
19 of training each day?

20 A Yeah.

21 Q Correct?

22 A The shift, right.

1 Q The shift?

2 A Right.

3 Q The shift, so that could be more than one?

4 It could be the station, the truck, the rescue?

5 Whoever is assigned to that shift should have at

6 least -- have two hours of training each shift?

7 A On average.

8 Q On average.

9 A I mean, because everything is factored in --

10 Q Right.

11 A -- i.e., those times when they're up at the

12 academy, what have you. So it's a -- it's a general

13 reference point and has been for many years.

14 Q Okay. But my only question is but that two

15 hours on average would apply to the shift? Anybody on

16 that shift should have on average two hours per shift?

17 MS. PASCHAL: Objection, asked and answered.

18 A What I hear you asking, each individual in

19 particular, and my response to that would be no. The

20 shift has a whole, that's what I mean. It's because

21 people have leave, people have other assignments, the

22 captain may be in the office doing administrative

1 work. It's really not that granular, not as granular,
2 and I can't give you an answer to that level of detail
3 because it's more general in nature.

4 BY MS. ELKIN:

5 Q You don't have a different expectation for
6 the different ranks, though, in terms of how much
7 training should be done? You don't say that the
8 captain should have one and a half hours of training
9 on average each shift and the firefighters should have
10 1.35 hours of training?

11 A Right.

12 Q They all have -- as a shift, the shift
13 should have together approximately two hours of
14 training each shift?

15 A Right. We have not broken it down to be
16 rank specific. It's as the shift in its entirety an
17 average of a couple hours a day.

18 Q Does that include the battalion chief also?

19 A Not as a rule.

20 Q Okay. All right. Let me hand you what
21 we'll mark as 42.

22 (Deposition Exhibit No. 42 was marked for

1 Q Yes.

2 A -- executing those duties.

3 Q And if a fire captain was preparing a
4 performance appraisal when he gets toned out on engine
5 405 --

6 A Uh-huh.

7 Q -- would you expect him to say, guys, go
8 ahead, go without me, I'm in the middle of doing this
9 performance appraisal?

10 MS. PASCHAL: Objection to form.

11 A In that scenario that you laid out, if a
12 captain was doing an evaluation and there was a call
13 for service with the unit that they're in charge of,
14 the expectation is that they would respond and lead
15 their crew to take care of the issue.

16 BY MS. ELKIN:

17 Q And would your expectation be the same --
18 the fire captains sleep at the fire station with their
19 crew, right?

20 A Yes.

21 Q Would your expectation be the same if they
22 were sleeping, during the middle of their sleep time

1 and they get toned out? Your expectation would be
2 their sleep should be interrupted and the captains get
3 on the engine they're assigned to and go to the fire
4 with the crew?

5 MS. PASCHAL: Objection to form.

6 A If -- I mean, in that scenario when the
7 alarm goes off in the unit that they're in charge of
8 or they supervise as dispatch, they should lead their
9 crew on that response.

10 BY MS. ELKIN:

11 Q Even if they're sleeping?

12 A Even if they're sleeping.

13 Q Even if they're eating?

14 A Even if they're eating.

15 Q Even if they're taking a shower? I assume
16 they have showers at these places, at the stations.

17 MS. PASCHAL: Objection to form.

18 BY MS. ELKIN:

19 Q Yes, they would?

20 A There are showers at the fire stations.

21 Q Okay. So even if they need to get dressed
22 and go to the call if they're toned out to do the job

1 duties that you described already. Is that right?

2 A They would be expected to lead their crew
3 and respond.

4 Q And even if during the middle of a training
5 exercise, one they're leading, if they're toned out,
6 the captains, they go, correct?

7 MS. PASCHAL: Objection to form.

8 A The captains would be expected to respond
9 with their crew.

10 BY MS. ELKIN:

11 Q So would you agree that no matter what
12 they're doing in the station, once that tone goes off,
13 the captains respond to the fire emergency scene side
14 by side with their crew?

15 MS. PASCHAL: Objection to form.

16 A Yeah. The -- they'll respond just like the
17 battalion chief and the deputy chief will respond if
18 they're dispatched.

19 BY MS. ELKIN:

20 Q Okay. So just answer my question, though.
21 You can add later. Your expectation, the job
22 responsibilities of these guys, that no matter what is

1 happening at the station -- because a battalion chief
2 might not be at the station, right?

3 A Uh-huh.

4 Q It's one of those stations there's no
5 battalion chief. It's a deputy chief -- one of those
6 stations where there's no deputy chief. So I'm just
7 talking about the fire station. There's a captain at
8 every single one of them, right?

9 A Yes.

10 Q Unless a lieutenant is acting for a captain,
11 right?

12 A Yes.

13 Q Okay. So no matter what that captain is
14 doing, when the tone goes off, the captains respond to
15 the fire emergency scene side by side with their crew,
16 correct?

17 MS. PASCHAL: Objection to form and also
18 argumentative.

19 A As we discussed about earlier or we
20 discussed earlier, unless there's cause that we've
21 already covered, yes, they will respond.

22 BY MS. ELKIN:

1 Q Okay.

2 A As well as a battalion chief or a deputy
3 chief if they were dispatched.

4 Q If they were dispatched?

5 A Yes. Asleep, eating, sleeping, showering.

6 Q If they're dispatched, they go?

7 A Yes.

8 Q And that is definitely the expectation of
9 the captains too, right?

10 MS. PASCHAL: Objection to form.

11 A The captains as well as the battalion chief
12 and the deputy chiefs.

13 BY MS. ELKIN:

14 Q And the firefighters?

15 A And the firefighters.

16 Q And the lieutenants?

17 A Correct.

18 Q So you would agree that the captains and
19 their subordinates are tasked with the responsibility
20 of interrupting whatever they're doing, whatever task
21 or activity that they may be involved in to respond to
22 an emergency call that they're dispatched to?

1 MS. PASCHAL: Objection, asked and answered,
2 and objection to form.

3 A Unless whatever the captain is involved in
4 precludes their response, I mean, in their judgement,
5 if they need to not respond, I mean, that's there.
6 But as we've talked at earlier --

7 Q See, now we have to go back.

8 A Okay.

9 Q We're going to have to go back.

10 MS. PASCHAL: Objection. You're
11 interrupting his answer.

12 MS. ELKIN: No, no. I have to interrupt
13 because I need to take a little control here.

14 MS. PASCHAL: No, you don't.

15 MS. ELKIN: No.

16 MS. PASCHAL: He gets to finish his answer,
17 your own ground rule.

18 MS. ELKIN: It conflicts with something he
19 just said.

20 MS. PASCHAL: No, it doesn't. You can ask
21 another question to follow up if you want to do it
22 that way, but you can't interrupt his answer in the

1 middle of an answer.

2 BY MS. ELKIN:

3 Q The captains and their subordinates are
4 tasked with the responsibility of interrupting
5 whatever it is they're doing --

6 A Uh-huh.

7 Q -- in order to respond to emergency calls,
8 correct?

9 MS. PASCHAL: Objection, asked and answered.

10 A It depends on what they're doing.

11 BY MS. ELKIN:

12 Q Okay. We already established that's
13 sleeping. They've got to go, right?

14 A Yes.

15 Q Eating, they've got to go?

16 A Yes.

17 Q Showering, they've got to go?

18 A Yes.

19 Q Doing a performance appraisal, they've got
20 to go?

21 A Yes.

22 Q Doing an incident report, they've got to go?

1 A Yes.

2 Q Doing -- talking on the phone to you,
3 they've got to go?

4 A Yes.

5 Q Talking on the phone to anybody, they've got
6 to go?

7 A Yes.

8 Q Okay. So what is it -- at what point can
9 they say no, I'm not going, the captains?

10 A If one of their crew members are injured or
11 ill.

12 Q The things we were talking about before,
13 injury, illness, or the apparatus doesn't work, and
14 that's it, correct?

15 MS. PASCHAL: Objection, mischaracterizes
16 his prior testimony.

17 A That's where the captain, based on the
18 situation, some of which we discussed -- so, I mean,
19 you want me to make this just, you know, general
20 statement. But, you know, I'm obligated to make sure
21 I accurately share with you the environment that we
22 work in and what the expectations are.

1 certainly make sure their battalion chief is aware of
2 what's going on.

3 Q Other than those situations, no matter what
4 they're doing at the fire station, you agree that the
5 captains and their subordinates are tasked with the
6 responsibility of interrupting whatever they're doing
7 so that they can respond to emergencies?

8 MS. PASCHAL: Objection to form.

9 A It is the captain's responsibility to make
10 sure that the crew responds when the call is toned
11 out, unless one of those circumstances that we just
12 discussed is -- is evident.

13 BY MS. ELKIN:

14 Q Okay. And it's not just that the crew
15 responds, but he responds or she responds with his
16 crew or her crew?

17 A Correct.

18 Q Okay. Would you agree that the principal
19 job duty or the main job duty or the primary job duty
20 of an EMS supervisor revolves around EMS activity?

21 MS. PASCHAL: Objection to form, and also
22 objection, compound.

1 Q And what kind of call types are they on?

2 A Accident with injury, people trapped,
3 cardiac arrest, overdose, certainly the fire calls if
4 we -- as we've talked about previously, hazardous
5 materials calls. Any -- any incident that is a joint
6 response with police, typically the EMS supervisor
7 will be dispatched, especially if it's a stabbing or a
8 shooting or something like that.

9 And then outside of that, it's pretty
10 discretionary on their part, adding on to calls or,
11 again, responding as a result of a request of a
12 captain on the engine that could use that level of EMS
13 supervision.

14 Q And would the captain on the engine who
15 needs higher level EMS care, would he just call the
16 EMS supervisor directly, or how did he get that -- how
17 does he get that assistance?

18 A He would communicate to the public safety
19 communications center and say send an EMS supervisor,
20 here's the situation, I have multiple patients, I
21 have, you know, a unique circumstance, whatever, you
22 know, would perhaps prompt them.

1 Q What kind of apparatus do Captain II EMS
2 supervisors ride in?

3 A They operate an SUV.

4 Q Does it have AFR equipment on it? What kind
5 of equipment does it have on it?

6 A It's fully stocked with ALS equipment.

7 Q Okay.

8 A But they kind of serve as a logistics
9 back-up to some of the on-scene personnel.

10 Q Can a paramedic who is not at the rank of
11 captain, someone below the rank of captain, can he or
12 she also add on in his discretion?

13 A Yeah. Any officer can add on to the call.
14 The procedure is they'll -- you know, if the captain
15 feels like that they're closer or they can be of
16 assistance, they'll say, hey, put such and such a unit
17 on the call. If there's a battalion chief en route,
18 the communication center will check with the battalion
19 chief and let them know, hey, I've got a fifth engine,
20 for example, on this call, and then the battalion
21 chief can say, okay, keep them coming or go ahead and
22 keep them in service right now.

1 A The primary point is it brings capacity to
2 the scene. For instance, they carry, you know,
3 ballistic vests and helmets in case of an active
4 shooter event. So they carry some extra things. They
5 can pull from what they have on the unit to keep a
6 transport unit in service in case there was a
7 multi-patient event and they had to, you know, dump a
8 lot of their equipment and supplies, you know, in case
9 one of their EKG monitor breaks down. So that's a
10 good portion of the function of what they carry on
11 there.

12 The other is so if they happen to come
13 across somebody -- just like myself, I carry an aid
14 bag in my vehicle. If I come across somebody, I have
15 a duty to act as an EMT in the Commonwealth of
16 Virginia. So we all -- from the fire chief on down,
17 we all have that obligation if we were to be the first
18 one to arrive at a particular incident if immediate
19 medical care was indicated.

20 BY MS. ELKIN:

21 Q You would agree that the EMS supervisors
22 carry more than your first aid -- the aid bag that you

1 described?

2 A Yeah, I would agree with that.

3 Q They carry all sorts of locked-up drugs and
4 other things on their -- what did you call it? SUV?

5 MS. PASCHAL: Objection to form.

6 BY MS. ELKIN:

7 Q Is that correct?

8 A They carry -- which part of your question?

9 Q They carry drugs, all sorts of drugs in
10 cabinets. What are these things called?

11 MS. FAULMAN: Shockers.

12 MS. KULUY: AEDs, the heart monitors.

13 BY MS. ELKIN:

14 Q Yeah. They carry heart monitors and that
15 kind of thing on there?

16 A Yes, ma'am.

17 Q Okay.

18 MS. PASCHAL: Molly, can we take a quick
19 break?

20 MS. ELKIN: No. Yes.

21 (A brief recess was had.)

22 BY MS. ELKIN:

1 Q Chief, what is your home address and phone
2 number?

3 MS. PASCHAL: Ask Mr. Kuluy to please leave
4 the room while we're getting this information subject
5 to the protective order in this case.

6 (Mr. Kuluy exits the conference room.)

7 A My address is 8514 Etta Drive, Springfield,
8 Virginia, 22152.

9 Q Phone number?

10 A (703) 644-9314.

11 Q And are you prepared to talk about the job
12 duties of a Captain I safety officer, or is that going
13 to be another witness?

14 A I can talk about it in the context of the
15 24-hour shift and responding to calls.

16 Q You agree they do not supervise anybody?

17 MS. PASCHAL: Objection to form.

18 A They -- as an incident safety officer, they
19 work as part of the command team and supervise the
20 safety aspect of a given operation, and then advises,
21 provides recommendations, what have you, to the
22 incident commander.

1 BY MS. ELKIN:

2 Q Nobody reports to them, correct?

3 A They do not have any direct reports.

4 Q Okay. So they do not supervise any
5 individuals, correct?

6 MS. PASCHAL: Objection, asked and answered.

7 A They -- I would -- I would say they do
8 supervise the individuals in the context of the safety
9 operations on a given scene. Because they are -- they
10 do possess the authority to stop an individual from an
11 unsafe act, so I would categorize that as supervision
12 of another individual.

13 BY MS. ELKIN:

14 Q Nobody directly -- but you already testified
15 nobody directly reports to them, correct?

16 A Outside the emergency incident, they do not
17 have a direct report that they supervise or evaluate.

18 Q And they don't -- they don't evaluate --
19 that was my next question. They don't do performance
20 evaluations for anybody?

21 MS. PASCHAL: Objection, form.

22 A I don't -- I don't know. I'd have to defer

1 arrive at calls, they have to go with a full
2 complement of firefighting gear, correct?

3 MS. PASCHAL: Objection to form.

4 A Can you restate that question?

5 BY MS. ELKIN:

6 Q When captains are dispatched to a call, they
7 have to take all their turnout gear with them,
8 correct, or they have to wear it? You tell me.

9 A If they're -- if they're dispatched to
10 calls?

11 Q Uh-huh.

12 A Yes, they're expected to have their full
13 personnel protective ensemble with them.

14 Q Do they actually have to wear the turnout
15 gear when they get dispatched, or do they just have to
16 have it with them?

17 A All captains?

18 Q Well, start with the shift supervisors and
19 the station commanders who presumably are doing the
20 same function on a fire call.

21 A It depends on the event type whether they're
22 supposed to don their assigned gear commensurate with

1 the event type they're going on. For instance, a
2 structure fire, obviously they'll be donning all that.
3 If it's an emergency medical call, the expectation is
4 they have their gear with them. They wouldn't
5 necessarily be required to don it in emergency medical
6 because they're supervising the scene, not placing
7 hands on patients. So that's the Captain Is and IIs
8 we've talked about predominantly.

9 Q What -- what is the safety gear that the
10 Captain Is and IIs would have to don if they're
11 dispatched to a structure fire?

12 A To a structure fire?

13 Q Uh-huh.

14 A They would respond with their full
15 firefighting personal protective ensemble, which they
16 don sans the mask. They don't go on air unless they
17 go into the hazard area. But they have their
18 equipment with them to include monitoring devices so
19 that if they're called upon after the fire has been
20 extinguished to monitor the environment, you know.

21 Again, I'd have to -- the specifics of what
22 they're required to do, I'd have to defer to another

1 requirement that as soon as they get there, the
2 captains, the lieutenants, the firefighters have to
3 put on the personal protective equipment ensemble if
4 they're at a structure fire?

5 A They need to be prepared to go into the
6 hazard area and they would need to have their proper
7 level of equipment on.

8 Q Okay. All right. I'm going to have you --
9 this is -- I'm looking at a policy I want you to look
10 at. It's going to be Exhibit 50.

11 MS. PASCHAL: Exhibit 43.

12 THE WITNESS: 43, I think.

13 MS. ELKIN: Okay.

14 (Deposition Exhibit 43 was marked for
15 identification and was attached to the deposition
16 transcript.)

17 MS. ELKIN: Okay. I've just shown the
18 witness what we've marked as Exhibit 43, approved by
19 Richard Bowers on August 14, 2013, and the purpose of
20 this policy is "to ensure that members utilize proper
21 protective clothing which includes structural
22 firefighting, special operations, or emergency medical

1 services-only personal protective equipment." And
2 then it has under Roman numeral one initial response.

3 BY MS. ELKIN:

4 Q This is where I'm a little confused by your
5 testimony. Part A says, "Upon receipt of a dispatch,
6 personnel shall don the appropriate PPE in
7 anticipation of a worst-case scenario."

8 A Uh-huh.

9 Q So that's different than wait until you get
10 to the scene to don it?

11 MS. PASCHAL: Objection, mischaracterizes
12 his prior testimony.

13 BY MS. ELKIN:

14 Q I understood your prior testimony to say
15 they can wait until they get to the scene to put their
16 turnout gear on. Is that -- was that your prior
17 testimony?

18 MS. PASCHAL: Objection, argumentative.

19 BY MS. ELKIN:

20 Q The captains and the crew.

21 A I interpreted your question as -- I thought
22 you were talking about the safety officer Captain Is.

1 Q Okay. So all your answers on that was with
2 respect to the safety officer Captain I?

3 A Yes.

4 Q Go back. Then there was a miscommunication.
5 I'm talking about the Captain I and Captain II shift
6 supervisors, station commanders. When they get
7 dispatched, they're required to -- they're required to
8 don their worst-case scenario PPE. Is that correct?

9 A That is correct.

10 Q Okay.

11 A The apparatus is set up to accommodate their
12 breathing apparatus so that they can do that.

13 Q Okay.

14 A The Captain I safety officers that I thought
15 we were talking about don't have that same set-up, so
16 they don't don it until they get on the scene.

17 Q Got it. Okay. So then going back to
18 your -- to my -- to what I thought I was asking about,
19 which was the Captain I and Captain II shift
20 supervisor, station commander, the policy that I just
21 handed you at Exhibit 43, that accurately reflects
22 what they're required to do?

1 A Right, based on the incident call type as
2 I've answered previously, too. If they come in for a
3 medical call, they're not donning all their
4 firefighting gear.

5 Q Okay.

6 A So specific to the call and the potential
7 hazards that are typical with that, that's the
8 worst-case scenario.

9 Q Okay. So before when you were talking about
10 the structure fire or HazMat call, you were referring
11 to the safety officers?

12 A Yes.

13 Q Is that right?

14 A Yes.

15 Q So what kind of calls would require the
16 Captain I and Captain II supervisors to don all their
17 worst-case scenario PPE?

18 A In the stations on the engines?

19 Q Yeah.

20 A Hazardous materials call, structure fire
21 call, inside gas leak call, outside gas leak call,
22 accident with injuries. They're going to put on --

1 accident with injury, unless the vehicle is on fire,
2 they're going to get off with everything but their
3 SCBA. So they have some discretion that they exercise
4 and/or they direct their crew; i.e., the interstate
5 vehicle accident, we get there, nothing is on fire,
6 okay, just need your full PPE and eye protection. And
7 so they -- they don't do everything except the SCBA unless
8 it comes in as a structure fire. So they exercise
9 some discretion and judgement --

10 Q Okay. All right.

11 A -- depending on the event type.

12 Q Okay. So going back to my question, they
13 don't do everything, "they" being the captains, the
14 captains and the lieutenants and the firefighters on
15 those engines. They're going to do everything when
16 they're dispatched, so at the station, other than the
17 SCBA. Is that right?

18 A Yeah. They're going to do every -- if it's
19 an emergency medical call, they'll take their
20 structural firefighting gear, put it up in the
21 apparatus and get in, and as they're going down the
22 road, they'll grab latex gloves or their pick kits

1 [phonetic], don eye protection, whatever. It's
2 specific to the incident.

3 Q Okay.

4 A But it's based on the event types that we
5 went through.

6 Q Right.

7 A Remember you asked me all the different
8 event types? There's different levels and the
9 officers exercise a lot of discretion. But, you know,
10 if it comes in as a structure fire, they're going to
11 don the worst-case scenario. They're going to don
12 everything, including putting the straps over their
13 shoulders on their SCBA.

14 Q Okay.

15 A If it's a vehicle accident, they may do
16 everything but that.

17 Q Okay.

18 A That's where they exercise some discretion.

19 Q That's the area right there. If it's a
20 structure fire, they better don worst-case scenario
21 inclusive of SCBA, correct?

22 A Right, because the worst-scenario is in the

1 buildings.

2 Q Same with the crew. They have to don the
3 same stuff that the captains don, correct?

4 A Right.

5 Q And if it's not a structure fire but some
6 kind of vehicle response, then they have the
7 discretion not to put on the SCBA, they can just bring
8 that, just --

9 A Yeah. Based on their arrival on scene,
10 their size-up of the situation, if it's an
11 extrication, meaning the heavy rescue squad is coming
12 also to cut a person out of a car, they may assign one
13 firefighter to actually don their SCBA and mask and
14 advance a hose line to protect the operation while the
15 balance of the crew may not have that --

16 Q Okay.

17 A -- same level of protection.

18 Q And then it says, "There will be times when
19 units are dispatched to a call while they are
20 available on radio."

21 A Uh-huh.

22 Q So does that mean they're not quite -- are

1 they in service yet, or they just cleared the last

2 call? What is -- do you know what that means?

3 They're not at the station?

4 A Right.

5 MS. PASCHAL: Objection to form.

6 BY MS. ELKIN:

7 Q Is that right? They're not at the station?

8 A They're -- the context of this, available on
9 the radio is inferring they're not in the station.

10 Q Okay.

11 A In the station is available in quarters.

12 Q Okay. "If personnel are not wearing the
13 proper protective clothing for the worst-case
14 scenario, the driver must pull the vehicle to a safe
15 location, allow personnel to don protective clothing,
16 and then shall respond to the incident." Is that your
17 understanding of the policy as well?

18 A That is what we want folks to do.

19 Q Okay. And then when you were talking before
20 about waiting to put on the stuff for EMS units, is
21 that Part C? "Personnel responding to a
22 suppression-related incident in an EMS unit may delay

1 donning the structural firefighting PPE ensemble after
2 they arrive at the scene." Is that what you were
3 talking about before?

4 A No. I was talking about the Captain I
5 safety officer before.

6 Q Okay. So I think you were talking about
7 this also with respect to the Captain I and Captain II
8 supervisors, that they can wait to put the PPE on if
9 it's an EMS call once they get to the scene?

10 A Yes.

11 Q Okay. And then if you turn to the next
12 page -- do you know whether this policy lists the
13 structural firefighting PPE?

14 A Meaning what it consists of?

15 Q Yes.

16 A I don't think it breaks it down in detail.
17 I think it's a fundamental thing that each individual
18 is aware of based on their basic training.

19 Q Okay. Going back to page 15-10, do the --
20 if we were looking at pictures of a scene and we had
21 this, whatever that document was -- 38, I believe, I
22 had asked you to see whether those were actual

1 pictures of Fairfax County employees, et cetera. If
2 we had a better image of that --

3 A Uh-huh.

4 Q -- would we be able to identify the captains
5 based on the color of their hats? Helmets, I guess I
6 should call them.

7 A The color of their helmets, the way we -- it
8 would be the shield on the front is how we would
9 identify that they're a captain.

10 Q Don't the -- it looks like, according to
11 this policy, assigned unit officers wear a white unit
12 ID with color-coded numbers.

13 A Yeah. The unit officers wear their rank
14 insignias here, and then they're wearing a white
15 helmet. The non-officers wear a black helmet.

16 Q Okay. So when you say the officers, you're
17 talking about captains, right?

18 A Uh-huh.

19 Q So the captains wear a white helmet?

20 A Uh-huh.

21 Q And the other firefighters on the crew would
22 wear a black helmet?

1 A Right.

2 Q Do battalion chiefs have helmets?

3 A Yes.

4 Q What color are theirs?

5 A White.

6 Q And then everybody up through the ranks,
7 white helmet once you get to captain?

8 A Let's see. Yeah, white helmets. Once one
9 gets promoted to officer, they get a white helmet.

10 Q That would include lieutenants?

11 A Yes, yes.

12 Q Okay. When a battalion chief responds to a
13 structural fire, is he required to don the structural
14 firefighting PPE before he gets in his unit to
15 respond?

16 A He's -- no, he is not.

17 Q Okay. And would your answer be the same for
18 deputy chief? He's not required to don it before he
19 responds either, correct?

20 A No, because the vehicle is not set up to
21 accommodate that.

22 Q Okay. You would agree that the captains do

1 not have the authority to hire or fire, correct?

2 MS. PASCHAL: Objection to form.

3 A Only the agency head has the ability to hire
4 and fire.

5 BY MS. ELKIN:

6 Q So then answering my question then, you
7 would agree that none of the captains have the
8 authority to hire or fire, correct?

9 MS. PASCHAL: Objection, asked and answered.

10 A The captains can make recommendations on
11 hiring or firing, but that's --

12 BY MS. ELKIN:

13 Q You can answer my question, and then we can
14 talk about that.

15 A Okay.

16 Q You would agree that none of the captains
17 have the authority to actually hire or fire anybody,
18 correct?

19 MS. PASCHAL: Objection, asked and answered.

20 A The captains can only propose hiring or
21 firing. They can't execute hiring or firing.

22 BY MS. ELKIN:

1 have recommended someone other than the highest person
2 on the eligibility list for promotion? I'll start
3 with that.

4 A The only reason we would not recommend the
5 next person up is because they have active discipline.

6 Q Okay. The schedules that the firefighters
7 work and the lieutenants work, the 24-hour shifts,
8 that is not set by the captains, that's set by who?

9 A That is -- the shift schedule is what's been
10 established by our agency in concert with the
11 department of human resources and everybody else.
12 That's how we'll provide the 24/7 365 coverage.

13 Q So you would agree the captains do not have
14 the authority if they have someone -- if they have
15 someone on their shift -- let's say they're on A shift
16 and that person wants to be on B shift. The captain
17 can't just say okay -- you can't call the captain on B
18 shift, say give me one of yours, I'll give you one of
19 mine, let's make a switch?

20 A I mean, they could -- they could make those
21 arrangements certainly, and then they would work in
22 collaboration with their battalion chief and

1 coordinate with their battalion and deputy chief to
2 effect that change if that -- if that's what they were
3 after.

4 Q But it would be driven by an employee
5 wanting to switch from A shift to B shift or B shift
6 to A shift?

7 A It would -- your question is it would only
8 be driven by that employee wanting to change shifts?
9 It may or may not. Here again, it would be -- you
10 know, if there was -- probably need to be a compelling
11 reason why, you know, one person would get exchanged
12 off another shift, you know, without their will.

13 The expectation is there's an ongoing
14 dialogue and that, you know, with the employee, with
15 the two battalion chiefs and the two deputy chiefs so
16 everyone has situational awareness of, you know, some
17 personnel moves.

18 So, I mean, that's the -- it's conceivable
19 that it would start with a captain's recommendations,
20 but it would be a collaborative process involving the
21 people I listed to include the employee.

22 Q Isn't it true that transfers across shifts

1 and battalions require the formal process of
2 submitting a transfer request by an employee and up
3 through the chain of command?

4 A Yeah, through that -- through that
5 collaborative process, I'm sure some documentation
6 would be required ultimately.

7 Q And you would agree that the fire captain
8 can't just authorize a transfer request by a
9 firefighter to another shift?

10 MS. PASCHAL: Objection to form.

11 A The fire captains can make the
12 recommendation with their, you know, battalion and
13 deputy chief, and, you know, in collaboration with
14 their peer. You know, that would be optimal, but it
15 would be a recommendation for a shift. But again,
16 it's kind of a dialogue that we expect that would go
17 on with the affected employees and the different peers
18 across shifts.

19 BY MS. ELKIN:

20 Q There's a transfer data base, isn't there?

21 A There is a transfer database, yeah.

22 Q Okay. And you would agree that the captains

1 Q I heard you mention those numbers before and
2 I see it listed there.

3 All right. So then just going back, a
4 captain does not have the authority, though, to
5 transfer an employee off of his shift on to another
6 shift?

7 MS. PASCHAL: Objection, asked and answered.

8 A Yeah.

9 BY MS. ELKIN:

10 Q I mean, even the deputy chief has to do
11 that?

12 A Yeah.

13 Q Okay.

14 A It's a collaborative effort, so the --

15 Q It goes up through the chain of command?

16 A Working within the command of that shift,
17 right. The Captain Is and IIs make recommendations.
18 It's their shift. They're the ones with the
19 responsibility. So they certainly have input, but
20 ultimately it has to work through the system. So
21 to -- you know, that's how it works.

22 Q Have you -- are you aware of any

1 evaluations to a lieutenant, and when they do that,
2 they become the reviewing authority for that
3 evaluation. So before that's sent in, the shift
4 commander or station commander will sign off and
5 submit it. So that's how that's managed at the
6 station level.

7 Q But you would agree then that a lieutenant
8 has the authority and the responsibility to do
9 performance evaluations for subordinates?

10 MS. PASCHAL: Objection to form.

11 A Yeah. The lieutenant has the ability via
12 the delegation from the shift commander to do
13 evaluations for the personnel that the station or
14 shift commander decided that the lieutenant will
15 evaluate.

16 BY MS. ELKIN:

17 Q What's the normal -- we talked about the PPE
18 for the captains and the lieutenants and the
19 firefighters. You would agree that it's all the same
20 for the firefighters, the captains, the lieutenants,
21 the PPE they're required to wear?

22 MS. PASCHAL: Objection to form.

1 tone. They remain ready even during their sleep --

2 A Uh-huh.

3 Q -- to respond to a call. Is that correct?

4 A Uh-huh. They maintain a ready posture
5 throughout their shift day in the station.

6 Q Okay. And you would agree that that is also
7 the nature of a firefighter's job, to -- and a
8 lieutenant's job -- to maintain, I think you said, a
9 ready posture at the station when they are not out
10 fighting fires or responding to emergencies. Is that
11 correct?

12 A I think it's -- you know, that's one of the
13 charges of the shift or station commander, is to
14 ensure that --

15 Q Everybody?

16 A -- personnel maintains a state of readiness,
17 i.e., their equipment is ready to go, the apparatus,
18 everything else is ready to go. So whereas it's
19 everybody's responsibility to be ready, that shift
20 captain or station captain is charged to make sure
21 that is the case.

22 Q You said something about observing or you

1 were participating even in fitness, physical fitness
2 activities --

3 A Uh-huh.

4 Q -- with the fire station. Tell me about the
5 fitness program for fire captains and the crew that
6 they supervise.

7 A Our policy is to exercise every day at work.
8 So on this particular day I was doing a ridealong with
9 one of our battalion chiefs, and we went to one of our
10 fire stations that have, you know, workout facilities
11 in it, and we were working out with, you know, the
12 shift captain and shift members. So that's part of a
13 daily requirement. The shift or station commander,
14 they do have the ability to waive or exempt one of
15 their shift members from performing PT on a given day.

16 Q If what?

17 A If one of their shift members comes to them
18 and says, hey, I'm just not up to it today, whatever
19 the reason, the shift commander or station commander
20 has the ability to relieve them of that obligation
21 that day and for subsequent days up to three days.

22 After three days, the shift commander would

1 Q The requirement, I think I heard you say, is
2 one hour per shift?

3 A Approximately one hour, you know.

4 Q Does that -- does that apply to those
5 employees who are in those outer boxes of personnel
6 services and support services, or is it just for the
7 operations group?

8 A It applies to all the uniformed, you know,
9 personnel because we're all required to maintain our
10 fitness and do an annual work performance exam and all
11 that. So the -- that -- you asked about the time.
12 That's really the shift or station captains have the
13 ability to extend or shorten or what have you. By and
14 large, an hour is kind of cardio, flexibility, and
15 strength is the goal, but there are captains that
16 will, you know, take more time in the day based on
17 what they've programmed into their particular day.

18 Q But the goal is to have the captains -- let
19 me ask you this: Are the captains subject to the same
20 physical fitness requirements as those that they
21 supervise?

22 A The captains are subject to the same

1 requirements as the firefighters, as the assistant
2 chiefs, as the deputy chiefs, as the battalion chiefs.
3 We're all subject to the same physical requirements.

4 Q And is the importance of physical fitness,
5 is that so they can perform their function of being
6 able to respond to fires and do EMS responses?

7 A Well, yeah, kind of in a -- in a global
8 sense is articulated by the fire chief and the
9 leadership. It's both operational readiness, and as a
10 county workforce, the health and wellness is a value.
11 So it kind of, you know, coalesces into an overall
12 county employee/agency specific requirement, but it
13 also falls into that theme of a --

14 Q Operational readiness?

15 A Operational readiness and a work staff
16 that's, you know, healthier.

17 Q And do the employees outside of the fire
18 department, do they get an hour a day to work out
19 while on duty?

20 MS. PASCHAL: Objection, foundation.

21 A The -- it's up to their individual
22 supervisors. They have -- their individual

1 Q Yeah, or fire department policy.

2 A No, it's not against fire department policy.

3 Q Okay. So if a fire captain is watching
4 television with his crew at some point during the
5 shift and the tone goes off, you would expect the fire
6 captain and the crew to stop whatever program they're
7 watching and head out to the fire, correct?

8 MS. PASCHAL: Objection to form.

9 A The -- if the station was -- if the tones
10 went off for the station to respond to an emergency
11 incident, the expectation is that the captain and his
12 or her crew would respond to the incident.

13 BY MS. ELKIN:

14 Q Okay. And that would -- never mind.

15 As far as you know, has anyone in management
16 ever measured how much time captains spent during a
17 24-hour shift in a state of readiness at a fire
18 station ready and able to respond to calls?

19 MS. PASCHAL: Objection to form.

20 A So restate again. Has anyone in
21 management --

22 BY MS. ELKIN:

1 Q In terms of writing the evaluation and
2 making the recommendation about what rating to give
3 the employee, a lieutenant and the captain have the
4 same authority, correct?

5 MS. PASCHAL: Objection, asked and answered.

6 A They both have the ability to conduct an
7 employee evaluation. Only the Captain I or Captain II
8 has the ability to serve as a reviewing authority.

9 BY MS. ELKIN:

10 Q Okay. In both of those person's
11 evaluations, a lieutenant and a captain, they have the
12 same level of ability when they're doing the
13 performance evaluation to rate an employee, a
14 subordinate, substandard?

15 MS. PASCHAL: Objection to form.

16 A They both have the same ability by using the
17 form to mark above or below -- high or low performance
18 levels. Only the Captain I or Captain II can serve as
19 a reviewing authority of that document.

20 BY MS. ELKIN:

21 Q And of course, a Captain I or Captain II's
22 performance evaluations that they do are reviewed by a

1 Q You would agree that if an employee is rated
2 MMS and that rating is signed off by a supervisor,
3 then that employee qualifies for a merit pay increment
4 on the basis of performance or otherwise eligible on
5 the basis of length of service and grade. Is that
6 right?

7 A Yes.

8 Q Okay. And now in order to rate somebody
9 MMS, there's all sorts of rules that have to be
10 followed, correct?

11 A There would need to be a ten-week notice of
12 a negative determination.

13 Q Okay. And we went over all that information
14 with another witness, but your expectation would be
15 that a captain would go through the chain of command,
16 work with HR in order to follow all those rules if
17 they were ever going to rate someone MMS?

18 A Yeah. The expectation is they would work --
19 they let their battalion chief know that they had this
20 situation and they would work with additional
21 resources, HR resources to, you know, meet all the
22 requirements and give that being the ten-week notice.

1 Q What kind of apparatus do Captain II EMS
2 supervisors ride in?

3 A They operate an SUV.

4 Q Does it have AFR equipment on it? What kind
5 of equipment does it have on it?

6 A It's fully stocked with ALS equipment.

7 Q Okay.

8 A But they kind of serve as a logistics
9 back-up to some of the on-scene personnel.

10 Q Can a paramedic who is not at the rank of
11 captain, someone below the rank of captain, can he or
12 she also add on in his discretion?

13 A Yeah. Any officer can add on to the call.
14 The procedure is they'll -- you know, if the captain
15 feels like that they're closer or they can be of
16 assistance, they'll say, hey, put such and such a unit
17 on the call. If there's a battalion chief en route,
18 the communication center will check with the battalion
19 chief and let them know, hey, I've got a fifth engine,
20 for example, on this call, and then the battalion
21 chief can say, okay, keep them coming or go ahead and
22 keep them in service right now.

1 A -- that way.

2 Q Do the fire captains have authority to
3 purchase fire units, fire apparatus?

4 A The Captain Is or Captain IIs?

5 Q Yes.

6 A In the field?

7 Q Yes.

8 A The field Captain Is and IIs may have input
9 into the specifications, but they do not do the actual
10 purchasing.

11 Q Okay. When you say that they have input
12 into the specifications, what are you talking about?

13 A I'm talking about they work with the station
14 commander, for example, is typically the lead person
15 as the work location supervisor, will work directly
16 with his or her peer in the apparatus section to talk
17 about specific needs or their thoughts or experiences
18 on what they think the specification for their next
19 fire truck should be. So they do have the opportunity
20 to put input.

21 That being said, you know, there is an
22 interest by the fire chief in apparatus to have a

1 standard engine. But, you know, there is some
2 latitude in there in working with the individual shift
3 or station commanders on specific features that they
4 may want on their particular piece of apparatus.

5 Q And if they ask for a particular feature on
6 a particular apparatus, the captains, do they get it?

7 MS. PASCHAL: Objection to form.

8 A Sometimes they do, sometimes they don't,
9 depending on what's available from the manufacturer,
10 if it's going to surpass the budgeted cost for the
11 apparatus or what have you.

12 BY MS. ELKIN:

13 Q And those decisions are going to be made
14 above the pay grade or the rank of a Captain I or a
15 Captain II, correct?

16 A The ultimate decision, you know, depends on
17 which part of the equation we're talking about. If
18 it's the budget, you know, because the apparatus is
19 not budgeted at the station level, it's budgeted out
20 of an overall agency fund for apparatus, so they would
21 not on that. If it's a matter of a feature, that may
22 be something that they work -- there's a case in point

1 to go into a new fiscal year, they have an opportunity
2 to share, send to operations what their needs are for
3 purchase. Throughout the course of the year they may
4 have immediate needs, i.e., some hose or something
5 like that where they'll fill out a requisition and
6 send it up to my aide.

7 Q Okay. But none of the captains have actual
8 purchasing authority, correct?

9 A No. Their requisition would go to
10 purchasing.

11 Q Okay. And the thing that you described
12 where they can on an annual basis or ad hoc basis
13 even -- let's go to the annual basis first.

14 A Uh-huh.

15 Q The Captain IIs can put together things that
16 they would like for their station?

17 A Right.

18 Q Okay. I've heard that referred to as a wish
19 list for the station. Is that an accurate sort of
20 description of we would like, you know, a 47-inch
21 screen television, we need new countertops in the
22 kitchen, you can't chop anything in here anymore --

1 Q Okay. Is it less than half, do you know?

2 A I don't know. I would have to research
3 that.

4 Q All right. So just so I'm clear on the
5 actual sort of annual -- is this something the station
6 commanders are required to do annually? Are they
7 required to put together a wish list for general fund
8 items?

9 MS. PASCHAL: Objection to form.

10 A They're required annually to assess the
11 needs of their station and submit that so we're aware
12 of what their station needs.

13 BY MS. ELKIN:

14 Q Okay.

15 A We're dependent on them to tell us that.

16 Q Fair enough. And are the Captain I shift
17 supervisors, the EMS supervisors, or the Captain I
18 safety officers, do they submit a similar sort of
19 annual wish list?

20 A I can't speak to the safety officers. I'd
21 have to defer to another witness. On the EMS
22 supervisors, I don't -- I don't believe they have any

1 budget responsibility, you know, equating to what the
2 station -- the work location supervisor, the Captain
3 II in the station has.

4 Q And how about the shift supervisor?

5 A The shift supervisor, typically they're just
6 providing feedback. The captain says, hey, end of the
7 year, give me, you know, what your thoughts are, you
8 know, what we may need around here, new dishwasher,
9 new washer, whatever, projects, improvements, all that
10 kind of thing.

11 So that's the annual opportunity for the man
12 or woman that's serving as the station commander to
13 solicit from their other shift commanders and say,
14 okay, is there anything here, and then the station
15 commander, you know, has the ability to decide what he
16 or she will put forward or not.

17 Q And then the station commander, the way I
18 understood you to describe it, would say new
19 dishwasher, we need a new dish washer, here's why --

20 A Uh-huh.

21 Q -- the old one stops mid cycle or whatever
22 the case may be --

1 still using that form.

2 Q So as you sit here today, you don't know
3 whether there's a form that a captain fills out to
4 approve or deny leave?

5 A I know there has been a form. To my
6 knowledge it's still in effect. Whether it's used
7 every day, I'd have to research.

8 Q Okay. If you can turn to page 3630 of
9 Exhibit 42. Under Disciplinary Actions, is this the
10 policy in the fire department, that the battalion
11 chiefs are required to confer with the appropriate
12 shift deputy chief when administering oral reprimands?
13 Is that your understanding of the policy?

14 A The -- if the battalion chief is issuing an
15 oral reprimand, then yeah, they should be in dialogue
16 with their deputy chief.

17 Q And then written reprimands must be approved
18 by the shift deputy prior to being administered. Is
19 that your understanding of the policy for battalion
20 chiefs?

21 A The -- if a written reprimand is moving
22 forward -- if the battalion chief is issuing a written

1 reprimand, the deputy should be consulted to make sure
2 that that level of discipline is being applied equally
3 and that's the correct level.

4 Q Okay. So the written reprimands must be
5 approved by the shift deputy prior to being
6 administered. Is that the policy?

7 MS. PASCHAL: Objection, asked and answered.

8 MS. ELKIN: No. He said consulted.

9 BY MS. ELKIN:

10 Q My question is do they have to be approved?

11 A Well, technically the standard operating
12 procedure in the county personnel regs will allow a
13 supervisor to issue an oral or a written reprimand.
14 This document is in the context of that consult at the
15 next level so that we are monitoring our consistency
16 across the 114 different, you know, shifts.

17 BY MS. ELKIN:

18 Q Okay. So this battalion chief handbook,
19 that was last revised in 2009?

20 A Right.

21 Q Where it says, "Written reprimands must be
22 approved by the shift deputy prior to being

1 across the different work locations.

2 BY MS. ELKIN:

3 Q It's not just the expectation, it's the
4 practice. Isn't it true that the battalion chiefs
5 will get approval for a written reprimand before they
6 administer a written reprimand?

7 MS. PASCHAL: Objection, argumentative.

8 A They'll certainly talk with the deputy chief
9 and have dialogue with the deputy chief. If it's not
10 consistent with what the agency has been doing for
11 like or similar, they may adjust it to something --

12 BY MS. ELKIN:

13 Q "They" being the deputy chief will adjust
14 it?

15 A The deputy chief and the battalion chief
16 will adjust it.

17 Q So the deputy chief can say no, this guy
18 shouldn't get a written reprimand, he should only get
19 an oral reprimand? So the deputy chief, once the
20 battalion chief consults with him, can say no, this is
21 not consistent with penalties in other cases, this
22 employee should not get a written reprimand, this

1 Q "These templates should be used to ensure
2 consistency of the discipline and to ensure that the
3 most current version of the document is used." Do you
4 agree with that?

5 A Yes.

6 Q Okay. "Verbal counseling," it says,
7 "handled by the individuals shift leader who, after
8 approval by the battalion chief and shift deputy
9 chief, provides the counseling." Is that your
10 understanding of practice within the fire department?

11 A I think that represents the dialogue that's
12 had to ensure consistency across the agency.

13 Q Okay. So that -- as I just read, is that
14 the practice of the fire department?

15 A I would say that's the practice. You know,
16 we're dependent on the Captain I and the Captain II,
17 though. They're the ones that expose or bring forward
18 the fact that there's been aberrant behavior or
19 something like that.

20 Q There's been some kind of infraction?

21 A Right.

22 MS. ELKIN: We have to go off the record for

1 memos for suspensions through termination are prepared
2 for the fire chief's signature?

3 A Final determination?

4 Q Not the proposed discipline but the final
5 discipline memos for suspensions through termination
6 are signed by the fire chief?

7 A Yes. The fire chief -- suspensions,
8 demotions, terminations, those are all signed by the
9 fire chief.

10 MS. PASCHAL: We're at seven hours.

11 MS. ELKIN: Well, I'm not done.

12 MS. PASCHAL: Well, you only get seven
13 hours. That's the rule. So we're not answering any
14 more questions.

15 MS. ELKIN: Well, I will have to go to the
16 judge on this. We can go tomorrow.

17 MS. PASCHAL: Okay. I'm going to cite the
18 federal rule. It's seven hours per deponent.

19 MS. ELKIN: And are you stopping this
20 deposition right now even though I'm not done? I have
21 more topics. I have more questions on the actual
22 discipline topics and on the actual job duties topics.

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :
-----x

VIDEOTAPED DEPOSITION OF
BRADFORD A. COCHRANE, JUNIOR
McLean, Virginia
Thursday, May 29, 2014
9:43 a.m.

Job No.: 59001
Pages: 1 - 265
Reported By: Joan V. Cain

190

1 IAFF Local 2068 since then?

14:29:16

2 A No.

14:29:19

3 Q I'd like to go back to Exhibit 101 that we
4 first looked at, the compilation of your resumes,
5 and if you could turn to the page that's Bates
6 stamped 1A-01184.

14:29:39

14:29:43

14:29:58

14:30:00

7 A Okay.

14:30:13

8 Q And do you see at the bottom of the page
9 you list that you were a promotional exam committee
10 member for the Fairfax County Captain II exam mid
11 2011 through January 2012?

14:30:14

14:30:17

14:30:21

14:30:25

12 A Yes.

14:30:28

13 Q And then on the next page I believe it says
14 you also served as a subject matter expert for the
15 Arlington County captain's exam in October 2011. Is
16 that accurate?

14:30:28

14:30:35

14:30:38

14:30:42

17 A Yes.

14:30:42

18 Q Okay. So do individuals who want to be
19 promoted to the rank of Captain II have to take an
20 exam to be eligible for promotion?

14:30:43

14:30:46

14:30:49

21 A Yes.

14:30:51

22 Q And you were on the board for that --

14:30:56

206

1 on your shift and you have reason to believe that 14:44:26

2 the allegations may be true. What are your actions? 14:44:29

3 Is that the type of situation that you 14:44:38

4 would expect the Captain II station commander to be 14:44:44

5 able to address? 14:44:47

6 A Again, this one is -- this is one that may 14:44:51

7 have been a previous question for studying for 14:44:56

8 lieutenant. This is one that anybody could handle. 14:44:58

9 There's nothing about that question that's specific 14:45:00

10 to the rank of Captain II at all. 14:45:02

11 Q I understand that. But -- I understand 14:45:05

12 this doesn't talk about someone's rank, but you were 14:45:16

13 studying to be a Captain II, right? You weren't 14:45:19

14 studying to a lieutenant. You'd already been a 14:45:22

15 lieutenant, right? 14:45:24

16 A Right. 14:45:25

17 Q Okay. So if you're going to study for a 14:45:25

18 promotion, doesn't make a whole lot of sense to 14:45:28

19 study things that you already know and have already 14:45:31

20 accomplished, right? 14:45:33

21 A I think it does sometimes because, again, 14:45:36

22 these -- 14:45:38

207

1 Q If you know it, you know it. 14:45:39

2 A But I've taken these tests, and the reality 14:45:41
3 is that a lieutenant's test or a Captain II's test 14:45:43
4 could easily have that -- that first question. I 14:45:48
5 haven't read through all of these, but there's 14:45:52
6 nothing specific to the Captain II rank that 14:45:55
7 would -- you know, if a lieutenant was in charge of 14:45:58
8 the station one day, that lieutenant could easily be 14:46:00
9 expected to handle that same situation. 14:46:02

10 There's nothing unique to the Captain II. 14:46:04
11 And, again, when we were testing each other, we were 14:46:08
12 trying to, again, repetitions that any officer would 14:46:11
13 have to handle these scenarios. Because when you 14:46:18
14 develop these tests, they don't say, okay, we're 14:46:20
15 only going to do inbox items that relate 14:46:22
16 specifically to something a Captain II would handle 14:46:25
17 and not a lieutenant, if that makes sense. 14:46:27

18 Q Actually, I don't follow that. You were 14:46:29
19 studying to be a Captain II in this exam, right? 14:46:36

20 A Right. 14:46:39

21 Q Okay. So this is a scenario that you 14:46:40
22 anticipated might be posed to you in that exam, 14:46:42

208

1 right?

14:46:47

2 A Could be, right.

14:46:48

3 Q Maybe it would appear in another exam or
4 maybe not?

14:46:49

14:46:51

5 A Right.

14:46:52

6 Q But you -- you weren't interested in taking
7 a lieutenant's exam at that point. You were
8 interested in taking the Captain II's exam, right?

14:46:52

14:46:54

14:46:55

9 A I was going to take the Captain II's exam,
10 yes.

14:46:57

14:47:00

11 Q And as a -- subsequently, as a program
12 committee member for the Captain II exam, would this
13 be the type of question that the committee might
14 decide is something that should be on the Captain II
15 exam?

14:47:00

14:47:02

14:47:05

14:47:09

14:47:11

16 A Could be, yeah. I mean, I don't know. It
17 was just -- I think, really, the best example that
18 maybe can help me explain what I'm trying to explain
19 is number 3. This was specifically brought up,
20 based on a prior question that we talked about, and
21 I explained that I was a lieutenant, and when I was
22 a lieutenant that happened to me. So, again, that

14:47:12

14:47:14

14:47:19

14:47:22

14:47:27

14:47:29

14:47:35

209

1 was something that I'm studying for a Captain II's 14:47:41
2 exam, but I gave a specific example of when I was a 14:47:43
3 lieutenant that exact scenario occurred. 14:47:46

4 Q And you would expect that a Captain II 14:47:49
5 might also be confronted with that scenario; is that 14:47:51
6 correct? 14:47:53

7 A Yeah. It could have been anyone. You 14:47:54
8 know, anyone could have been -- this was on an 14:47:57
9 engine company, and it could have been anyone that 14:47:59
10 day. I happened to be a lieutenant when that 14:48:01
11 happened, but it could have been a Captain II. I 14:48:03
12 mean, that's -- I guess that's what I'm trying to 14:48:05
13 explain. 14:48:07

14 Q Okay. All right. Let's go to number 7. 14:48:07
15 The lieutenant on the medic unit adjacent to yours 14:48:18
16 calls you to advise that your medic officer is 14:48:21
17 spending too much time at the hospital. You have 14:48:24
18 reason to believe that this may be true. What are 14:48:25
19 your actions? 14:48:28

20 So this question is specifically 14:48:31
21 contemplating a lieutenant contacting you, right? 14:48:34

22 A Right. 14:48:39

2819
VIDEOTAPED DEPOSITION OF BRADFORD A. COCHRANE, JUNIOR
CONDUCTED ON THURSDAY, MAY 29, 2014

210

1 Q So this is contemplating that you would be 14:48:40

2 acting at a captain level, right? 14:48:43

3 A Not necessarily. I mean, that could be a 14:49:02

4 lieutenant's exam question as well, and as a matter 14:49:04

5 of fact, I think that specific question I came up 14:49:07

6 with was based on my experience as a Captain I, but, 14:49:11

7 again, it could have been -- really could have been 14:49:15

8 anything. 14:49:17

9 Q Okay. 14:49:17

10 A But I think that it happened to me when I 14:49:18

11 was a Captain I. 14:49:19

12 Q Okay. So as a Captain I you had to be able 14:49:20

13 to address this type of situation, right? 14:49:24

14 A Right. Again, I think that's one where any 14:49:25

15 officer -- it could have been on any exam. 14:49:28

16 Q But you're talking about a lieutenant 14:49:32

17 reporting to you as a Captain I, right, or a Captain 14:49:33

18 II? 14:49:39

19 A Well, I don't think I specify whether it's 14:49:39

20 lieutenant, Captain I, or Captain II. 14:49:41

21 Q Why would a lieutenant be reporting to 14:49:43

22 another lieutenant? 14:49:46

229

1	101, that page we were on --	15:07:21
2	A Exhibit 101, okay.	15:07:24
3	Q -- 1A1184, it says here -- let me get	15:07:26
4	there -- performed as role player for the tactical	15:07:30
5	portions for the 23 candidates that participated in	15:07:33
6	the exam.	15:07:36
7	Do you recall what the tactical portion of	15:07:37
8	the exam was for the committee that you served on?	15:07:42
9	MS. PASCHAL: Objection to form.	15:07:47
10	THE WITNESS: It was a high-rise fire.	15:07:48
11	BY MS. ELKIN:	15:07:52
12	Q Okay. So can you tell me what -- what is a	15:07:52
13	tactical portion? Is it -- you described the inbox	15:07:55
14	as you're sitting on a computer. Tell me what --	15:07:59
15	about a tactical portion as -- in a Captain II exam	15:08:01
16	or Captain I exam.	15:08:04
17	MS. PASCHAL: Objection. Mischaracterizes	15:08:07
18	the witness's testimony.	15:08:08
19	MS. ELKIN: You can answer.	15:08:08
20	THE WITNESS: Tell you about the tactical?	15:08:10
21	BY MS. ELKIN:	15:08:10
22	Q Yes.	15:08:12

230

1 A It was where the candidate was expected to 15:08:12
2 come in and handle a high-rise fire incident, and in 15:08:14
3 this case there were multiple victims that they had 15:08:18
4 to handle as well. It was a working and active fire 15:08:22
5 in a high-rise building. 15:08:25

6 Q Okay. And how do you test that? I mean, 15:08:26
7 are you showing them pictures? I don't know. What 15:08:28
8 does it look like, a tactical portion? Because it 15:08:30
9 looks like you were doing some kind of role playing 15:08:34
10 for that. 15:08:36

11 A In this case the candidate was given a 15:08:37
12 radio, a fire radio and a command board, pen and 15:08:39
13 paper if they wanted to use it. They were shown a 15:08:42
14 screen with a high-rise building on it with fire 15:08:44
15 studio is what we use. So you might show fire 15:08:47
16 coming out of a window, and then they're expected to 15:08:50
17 handle it. They're given a dispatch, radio traffic 15:08:56
18 units that are responding, hypothetical units that 15:08:58
19 are responding. 15:09:01

20 They're expected to track those units 15:09:01
21 throughout the incident, and then in that case they 15:09:04
22 were reassigned another branch, an EMS branch or 15:09:11

231

1	something. They were expected to handle the	15:09:14
2	patients involved in the incident.	15:09:16
3	Q Okay. Is the tactical exercise something	15:09:18
4	that all of the candidates have to take for test to	15:09:22
5	Captain II?	15:09:28
6	A Yes.	15:09:28
7	Q And is that a pass/fail component, the	15:09:29
8	tactical exercise? Do you remember?	15:09:32
9	MS. PASCHAL: Objection to form.	15:09:34
10	THE WITNESS: It is a pass/fail, and if you	15:09:35
11	don't pass that -- if you don't pass the tactical,	15:09:38
12	you're not on the list.	15:09:41
13	BY MS. ELKIN:	15:09:42
14	Q Okay. So do you take the -- does the --	15:09:42
15	how does the county do it? Is the tactical exercise	15:09:44
16	portion the first component of the oral board inbox	15:09:47
17	tactical exercise exam?	15:09:52
18	A I don't think that's been consistent over	15:09:54
19	the years. I think in some cases they try to do it	15:09:56
20	first just so people don't waste their time taking	15:09:59
21	the inbox and oral board if they're not going to	15:10:01
22	ultimately be on the list, but --	15:10:04

2823
VIDEOTAPED DEPOSITION OF BRADFORD A. COCHRANE, JUNIOR
CONDUCTED ON THURSDAY, MAY 29, 2014

235

1 may or may not get the items. 15:13:01

2 I think when I was at Station 41 I 15:13:03

3 requested a couple -- couple big fans for the 15:13:05

4 apparatus bay just to help dry the floor and some 15:13:10

5 hand tools, and, you know, some you get; some you 15:13:13

6 don't. I don't remember exactly what I requested. 15:13:17

7 It wasn't -- wasn't much. 15:13:19

8 (Ms. Rewari left the deposition.) 15:13:23

9 BY MS. ELKIN: 15:13:26

10 Q And do you know who approves whether or not 15:13:26

11 your requests are granted? 15:13:27

12 MS. PASCHAL: Objection, foundation. 15:13:29

13 THE WITNESS: I don't. 15:13:35

14 BY MS. ELKIN: 15:13:35

15 Q Okay. And do you have any purchasing 15:13:36

16 authority as a Captain II? All my questions are 15:13:37

17 about operations. So did you have any purchasing 15:13:40

18 authority as a Captain II? 15:13:42

19 A No. We would take orders for cleaning 15:13:43

20 supplies and stuff and send them up to resource 15:13:45

21 management just to -- 15:13:50

22 Q Okay. But did you have any purchasing 15:13:50

243

1	back to Exhibit 101, your resume?	15:21:01
2	MS. PASCHAL: Objection to form. Leading.	15:21:03
3	BY MS. ELKIN:	15:21:05
4	Q Well, is that what you meant when you said	15:21:05
5	developing and maintaining policy and procedures for	15:21:14
6	an assigned station?	15:21:15
7	MS. PASCHAL: Objection to form. Leading.	15:21:16
8	THE WITNESS: Yes.	15:21:20
9	BY MS. ELKIN:	15:21:30
10	Q You said that, on this resume, that you	15:21:30
11	were responsible for the training and supervision of	15:21:32
12	personnel on assigned shift. What -- tell me about	15:21:34
13	the training that you would conduct or you	15:21:38
14	participated in in your station as a Captain II.	15:21:39
15	A Well, we did daily training. We did	15:21:46
16	physical training every day, and then every day	15:21:48
17	would also involve some sort of training if the	15:21:53
18	calls would allow. We would always put it on the	15:21:56
19	schedule if we could.	15:22:00
20	Q Okay. So physical training, is that	15:22:01
21	fitness training?	15:22:03
22	A PT, yeah, physical training.	15:22:04

246

1	that's -- running calls.	15:24:02
2	BY MS. ELKIN:	15:24:04
3	Q Okay. And what do you mean by running	15:24:04
4	calls? What does that mean?	15:24:06
5	A It means when the tones go off in the	15:24:07
6	station, you respond.	15:24:09
7	Q All right. Now, if you were in the middle	15:24:10
8	of reviewing one of these station manuals and the	15:24:11
9	tone goes off, would you continue reviewing the	15:24:15
10	station manual?	15:24:17
11	A No.	15:24:18
12	MS. PASCHAL: Objection, hypothetical.	15:24:19
13	THE WITNESS: No.	15:24:20
14	BY MS. ELKIN:	15:24:20
15	Q What would happen?	15:24:21
16	A You would run the call.	15:24:21
17	Q And if you were doing a performance	15:24:22
18	evaluation and a tone went off --	15:24:24
19	MS. PASCHAL: Objection.	15:24:26
20	BY MS. ELKIN:	15:24:26
21	Q -- would your priority be to continue	15:24:27
22	the -- finish the performance evaluation even if it	15:24:29

2826
VIDEOTAPED DEPOSITION OF BRADFORD A. COCHRANE, JUNIOR
CONDUCTED ON THURSDAY, MAY 29, 2014

247

1 was due that day, or would you get on that truck and 15:24:32

2 go on that call? 15:24:36

3 MS. PASCHAL: Objection to form. 15:24:37

4 Speculative and hypothetical. 15:24:38

5 THE WITNESS: There's no administrative 15:24:40

6 task that would take priority over running a call. 15:24:41

7 BY MS. ELKIN: 15:24:44

8 Q Okay. So running a call is the primary 15:24:44

9 task, the most important task that you have -- 15:24:47

10 MS. PASCHAL: Objection to form. 15:24:49

11 BY MS. ELKIN: 15:24:50

12 Q -- as a Captain II? 15:24:50

13 MS. PASCHAL: Objection to form. Leading. 15:24:51

14 THE WITNESS: Yes. I mean, to me that's 15:24:53

15 the surprising thing about all this. We're not 15:24:54

16 really -- we haven't talked about that a whole lot 15:24:56

17 but, yes. 15:24:58

18 BY MS. ELKIN: 15:24:58

19 Q Okay. And when you say about this, are you 15:24:59

20 talking about this actual deposition? 15:25:00

21 A Yes. 15:25:01

22 Q All right. As a Fire Captain II, do you 15:25:02

248

1	have the authority to assign overtime to an off-duty	15:25:07
2	firefighter?	15:25:10
3	A No.	15:25:11
4	Q As a Fire Captain II, do you approve -- did	15:25:12
5	you approve leave?	15:25:15
6	A No. That's done through an automated	15:25:16
7	system.	15:25:19
8	Q And, again, all my questions are about	15:25:19
9	operations, okay?	15:25:22
10	A Right.	15:25:22
11	Q Because I know you were a Fire Captain	15:25:23
12	II --	15:25:25
13	A Right.	15:25:25
14	Q -- in the fire marshal's office too, right?	15:25:25
15	A Yeah.	15:25:27
16	Q Okay. As a Fire Captain II, did you set	15:25:28
17	the minimum staffing levels at your stations?	15:25:31
18	A No.	15:25:33
19	Q Those performance evaluations that we	15:25:36
20	looked at, I think you testified that you	15:25:38
21	prepared -- we looked at one for you, but --	15:25:43
22	Defendant's Exhibit 103, you prepared those at one	15:25:46

253

1	MS. PASCHAL: Objection to form.	15:29:25
2	Mischaracterizes prior testimony.	15:29:27
3	THE WITNESS: I think I said it may be in	15:29:28
4	writing on a document that I've seen somewhere that	15:29:31
5	used to be in the discipline folders which is now	15:29:33
6	not there, but I can't be sure unless I saw it. I	15:29:36
7	know for years that -- I think what I said was it's	15:29:40
8	always been a policy since I've been a lieutenant,	15:29:42
9	and that would be conversations between myself and	15:29:44
10	Chief Hunter, who's now retired. It's just -- it's	15:29:47
11	always been.	15:29:52
12	BY MS. ELKIN:	15:29:53
13	Q Okay. When you were a Captain II at	15:29:53
14	Station 13 and Station 41, what apparatus were you	15:30:03
15	generally assigned to?	15:30:06
16	A Engine.	15:30:07
17	Q And how was that engine staffed?	15:30:07
18	MS. PASCHAL: Objection, asked and	15:30:09
19	answered.	15:30:10
20	THE WITNESS: Four personnel, myself, a	15:30:11
21	driver, firefighter, and a fire medic.	15:30:12
22	BY MS. ELKIN:	15:30:15

254

1	Q	And it was the same at each of those	15:30:15
2		stations?	15:30:17
3	A	Yes.	15:30:17
4	Q	Okay. And did you as a Captain II go on	15:30:17
5		the -- well, did that engine ever go without you as	15:30:20
6		a Captain II?	15:30:23
7		MS. PASCHAL: Objection to form.	15:30:24
8		BY MS. ELKIN:	15:30:24
9	Q	On a call?	15:30:25
10	A	If I was in a station?	15:30:25
11	Q	Yes.	15:30:28
12	A	And assigned to it?	15:30:29
13	Q	Yes.	15:30:30
14	A	No.	15:30:31
15	Q	Okay. Would -- so is it fair to say that	15:30:31
16		the subordinates, your subordinates would go on the	15:30:36
17		same number of calls as you when you were a Fire	15:30:38
18		Captain II?	15:30:42
19	A	Yes.	15:30:42
20		MS. PASCHAL: Objection to form. Leading.	15:30:42
21		THE WITNESS: Yes.	15:30:43
22		BY MS. ELKIN:	15:30:44

2830
VIDEOTAPED DEPOSITION OF BRADFORD A. COCHRANE, JUNIOR
CONDUCTED ON THURSDAY, MAY 29, 2014

256

1 A Correct, unless there happens to be an 15:31:40

2 engine in my station getting fuel or whatever. 15:31:42

3 Yeah, four different engines. 15:31:44

4 Q And so what is your role as a Captain II on 15:31:45

5 that engine from the moment you get the call? 15:31:47

6 A Get on the apparatus as quickly as you can, 15:31:51

7 respond to the call, and take the appropriate 15:31:55

8 actions based on your dispatch order and the 15:31:57

9 incident I would say, and, again, you can be 15:32:00

10 anywhere from one through four. If you're first in 15:32:04

11 on a fire, then you're going to -- you're going to 15:32:06

12 stretch a hose line, you're going to get on the 15:32:08

13 radio and give a situation report, request to 15:32:11

14 transfer command in some cases, and pull a hose line 15:32:16

15 and extinguish the fire, in most basic terms. 15:32:19

16 Q And would a Captain II actually have hands 15:32:24

17 on a hose line in responding to a fire? 15:32:26

18 MS. PASCHAL: Objection to form. Also 15:32:28

19 foundation and calls for speculation. 15:32:30

20 THE WITNESS: Yes. Yes. 15:32:32

21 BY MS. ELKIN: 15:32:32

22 Q Did you as a Captain II at Station 13 and 15:32:33

257

1	Station 41, was it your experience to be hands-on on	15:32:36
2	a hose line when responding to fires?	15:32:39
3	A Yes.	15:32:42
4	MS. PASCHAL: Objection to form.	15:32:42
5	BY MS. ELKIN:	15:32:43
6	Q Yes?	15:32:43
7	A Yes.	15:32:43
8	Q Okay. And would you do other physical	15:32:44
9	things, other than directing the work of your	15:32:51
10	subordinates at a fire scene as a Captain II on the	15:32:53
11	scene?	15:32:55
12	MS. PASCHAL: Objection to form.	15:32:55
13	THE WITNESS: Yes.	15:32:56
14	BY MS. ELKIN:	15:32:57
15	Q Like what?	15:32:57
16	A You might throw a ladder. You might help	15:33:00
17	to pick up a fan. You might help to, you know,	15:33:03
18	stand in the corner and extend a hose line. You	15:33:07
19	might, you know, force a door, force entry on a	15:33:09
20	door, anything.	15:33:16
21	Q Would it be your job to go into a burning	15:33:16
22	building as a Captain II?	15:33:18

258

1	MS. PASCHAL: Objection to form.	15:33:19
2	THE WITNESS: Yes.	15:33:20
3	BY MS. ELKIN:	15:33:21
4	Q Okay. And on an incident, could a	15:33:21
5	lieutenant be the incident commander when there's a	15:33:26
6	four -- four-engine response?	15:33:28
7	A Yes.	15:33:31
8	Q And tell me about that. How would that	15:33:31
9	arise?	15:33:34
10	MS. PASCHAL: Objection to form.	15:33:34
11	THE WITNESS: So if you had a dispatch for	15:33:35
12	a fire and there was four engines and -- I mean, say	15:33:38
13	I was fourth do. So we're going to be there fourth	15:33:45
14	arriving. The first engine would get there, request	15:33:50
15	to transfer the command through the BC. The BC	15:33:53
16	would say have the second engine take command, and	15:33:57
17	that second engine might be a lieutenant and he	15:34:00
18	could be directing -- he could be directing anyone.	15:34:02
19	He could be directing another lieutenant. He could	15:34:03
20	be directing a Captain I, Captain II, you know,	15:34:04
21	generally until the arrival of the battalion chief.	15:34:08
22	BY MS. ELKIN:	15:34:11

2833
VIDEOTAPED DEPOSITION OF BRADFORD A. COCHRANE, JUNIOR
CONDUCTED ON THURSDAY, MAY 29, 2014

259

1 Q Okay. And then the battalion chief would 15:34:11

2 assume command. Is that the normal protocol? 15:34:13

3 A Normally, yes. 15:34:16

4 Q All right. And what you just described, 15:34:18

5 you said it could happen. Has that ever happened to 15:34:20

6 you as a Captain II? 15:34:22

7 A Where a lieutenant was in command? 15:34:23

8 Q Yes. 15:34:25

9 A Yeah. I've been in command as a 15:34:25

10 lieutenant. 15:34:27

11 Q Okay. And when you were a lieutenant did 15:34:27

12 you get actual true time and half overtime when you 15:34:37

13 worked beyond 212 hours in a 28-day period? 15:34:39

14 MS. PASCHAL: Objection to form. 15:34:44

15 THE WITNESS: Yes. 15:34:45

16 BY MS. ELKIN: 15:34:45

17 Q As a captain, do you only get straight time 15:34:45

18 pay for your hours of work? 15:34:48

19 A Yes. Did, I mean -- yeah. 15:34:49

20 Q Right. Were you ever injured on the job as 15:34:57

21 a Captain II? 15:35:51

22 MS. PASCHAL: Objection. Beyond the scope 15:35:52

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :
-----x

CONTAINS CONFIDENTIAL -
SUBJECT TO PROTECTIVE ORDER PORTIONS
Videotaped Deposition of
CAPTAIN DAVID PHILLIP CONRAD
McLean, Virginia
Wednesday, June 4, 2014
1:48 p.m.
Job No.: 59786
Pages: 1 - 209
Reported By: Rebecca Stonestreet, RPR, CRR

CONDUCTED ON WEDNESDAY, JUNE 4, 2014

27

1	A	Yes, sir.	14:06:33
2	Q	How many Fairfax department [sic] fire	14:06:33
3		and rescue people went down there?	14:06:39
4	A	I want to say the team, you know,	14:06:39
5		comprised of 124 members of both fire department	14:06:41
6		personnel and civilians. We had two different	14:06:45
7		teams that went.	14:06:48
8	Q	And some dogs?	14:06:48
9	A	Yes, sir.	14:06:51
10	Q	Right? I remember reading about that.	14:06:51
11		That's why I'm asking.	14:06:54
12		And that's what you got the bronze medal	14:06:56
13		for?	14:06:58
14	A	Yes, sir. The team did.	14:06:59
15	Q	In the last 10 years, Captain, have you	14:07:00
16		had any on-the-job injuries?	14:07:07
17	A	Yes, sir.	14:07:09
18	Q	Have any of them required you to miss	14:07:10
19		work?	14:07:14
20	A	Yes, sir.	14:07:14
21	Q	Tell me about those, please.	14:07:15
22	A	I've had a couple of strains, I've had --	14:07:18

28

1 I mean, I ask it -- you know, me indulging [sic] 14:07:34
2 here, you know, I guess because it's me, it's not 14:07:37
3 creating a HIPAA violation. Correct? 14:07:41

4 Q That's correct. 14:07:45

5 A Okay. You know, one of them, you know, a 14:07:45
6 medical incident, you know, it was not an on the 14:07:47
7 job, but, you know, I got it from the job, which 14:07:52
8 kept me off for about 11 days. I got a medical 14:07:55
9 issue from a nursing home. 14:07:59

10 I've had sprains. I've had -- you know, 14:08:08
11 they weren't sure, you know, some bug bites that 14:08:10
12 we -- they weren't sure if they were spider or bug 14:08:13
13 bites. But it was not just me, there was other 14:08:16
14 people involved. 14:08:18

15 Q Did you miss work on account of -- 14:08:19

16 A I missed one day on that one. 14:08:21

17 Q On account of bug bites? 14:08:23

18 A Yeah. But we weren't sure what they 14:08:25
19 were. They were never diagnosed. 14:08:28

20 Q What's the -- is the 11-day absence, is 14:08:30
21 that the longest you've missed work on account of a 14:08:34
22 work injury? 14:08:39

29

1	A	No.	14:08:39
2	Q	What's the longest?	14:08:39
3	A	Nine months --	14:08:43
4	Q	What was that?	14:08:43
5	A	-- on a ruptured Achilles.	14:08:45
6	Q	When did that happen?	14:08:46
7	A	It happened July 10th of 2012.	14:08:47
8	Q	How are you -- how was it that you were	14:08:52
9		injured?	14:08:54
10	A	I added on to a call that was a -- like a	14:08:54
11		public service for some product in a vehicle in the	14:09:02
12		middle of the road, and it ended up being oil. And	14:09:06
13		I had gotten it on the bottom of my shoes -- or my	14:09:12
14		structural firefighting boots, and when I went to	14:09:16
15		step up on the curb, it slipped off and twisted	14:09:20
16		down, and apparently had nicked or, you know,	14:09:23
17		stretched the Achilles, and then a couple of days	14:09:29
18		later it, actually -- it, you know --	14:09:32
19	Q	Ruptured on you?	14:09:33
20	A	-- completely ruptured.	14:09:34
21	Q	Did you have to have surgery to repair	14:09:36
22		that?	14:09:40

30

1	A	Yes, I did.	14:09:40
2	Q	Any other serious on-the-job injuries	14:09:41
3		that you haven't already mentioned?	14:09:48
4	A	Not since 2008.	14:09:49
5	Q	What about before 2008?	14:09:53
6	A	Couple of strains that, you know, a	14:09:57
7		couple of days here and there. But for the most	14:10:00
8		part, fairly healthy, that I can recall.	14:10:03
9	Q	Captain, have you -- you've been a	14:10:05
10		Captain I since 2006. Correct? So for eight	14:10:09
11		years?	14:10:12
12	A	Yes, sir.	14:10:13
13	Q	Have you ever sought to be promoted to	14:10:13
14		Captain II?	14:10:16
15	A	I took the test once and chose not to	14:10:16
16		take it again.	14:10:23
17	Q	Is there any limit in the department on	14:10:24
18		how many times a Captain I can seek that promotion?	14:10:28
19	A	Not to my knowledge.	14:10:30
20	Q	So I take -- you took the test once, and	14:10:33
21		you were unsuccessful. Is that correct?	14:10:36
22	A	Right.	14:10:37

45

1 Q Yes, sir. And so in order to be -- to 14:24:23
2 have that level of preparedness, that involves a 14:24:25
3 lot of work in a lot of different areas, doesn't 14:24:30
4 it? 14:24:32

5 A Yes, sir. 14:24:32

6 Q For example, you mentioned this, I think, 14:24:33
7 just a moment ago. You have to stay at a high 14:24:36
8 level of physical fitness. Correct? 14:24:38

9 A Yes, sir. 14:24:40

10 Q Not just you but everybody on your shift. 14:24:41
11 Correct? 14:24:44

12 A Yes, sir. 14:24:44

13 Q And you -- and because of that, you do PT 14:24:45
14 every day? 14:24:47

15 A Yes, sir. 14:24:49

16 Q And it's part of your job as the shift 14:24:50
17 supervisor for the A-shift in your station to make 14:24:53
18 sure that happens. Correct? 14:24:55

19 A Our department, you know, tells us every 14:24:56
20 day that we have a master calendar that says, you 14:25:05
21 know, we are -- we have certain things that we need 14:25:08
22 to do. One of them is physical fitness, gives us a 14:25:09

46

1 time frame. And, yeah, so the department tells us 14:25:13
2 that we should do physical fitness every day. And 14:25:15
3 they give us, you know, training outlines or 14:25:18
4 training to do. 14:25:20

5 So, yes, to stay ready to run -- or to 14:25:20
6 stay prepared both physically and mentally and -- 14:25:24

7 Q You must be reading my outline -- 14:25:29

8 A No, I'm not. 14:25:32

9 Q No. No, no. I'm just teasing you. 14:25:33
10 Because mentally fit is next on my list. 14:25:34

11 But you get -- you get the directive from 14:25:38
12 the department this is important. Right? Every 14:25:39
13 day. 14:25:41

14 A They put it on our master calendar that 14:25:42
15 tells us that we need -- there's certain things 14:25:45
16 that they set, you know, that they want us to do. 14:25:47

17 Q And as the shift supervisor for A-shift, 14:25:50
18 it's part of your job to make sure that happens 14:25:54
19 every day. Correct? 14:25:57

20 A That is mine, but a lieutenant can do 14:25:58
21 that, you know, also. 14:26:00

22 Q Understood. But you've got 14:26:01

153

1 A Correct. 16:38:18

2 Q It's true also, isn't it, that the 16:38:19

3 formal, written evaluations of the people on your 16:38:26

4 shift can have an impact on their compensation and 16:38:28

5 their promotion prospects? 16:38:33

6 MS. BURROUGHS: Objection. Speculation. 16:38:34

7 A There is a -- they have a program set in 16:38:39

8 place, if they're going to receive an evaluation 16:38:45

9 that is sub par, that it has to go up through the 16:38:49

10 chain of command. And then there is, you know, a 16:38:52

11 policy that we follow that is set down forth, and 16:38:54

12 that is not handled by the shift leader. It's not 16:38:57

13 handled by a lieutenant. It's not handled by a 16:39:00

14 captain. 16:39:02

15 Q That's an HR policy. Right? 16:39:03

16 A Correct. 16:39:04

17 Q And that's because the evaluations can 16:39:05

18 have an impact favorably or unfavorably on an 16:39:06

19 employee's compensation and his or her prospects 16:39:11

20 for promotion. 16:39:15

21 MS. BURROUGHS: Objection. Speculation. 16:39:16

22 Q That's correct, isn't it? 16:39:19

154

1 A The evaluation is -- this isn't specific 16:39:20
2 to the fire departments. It's a countywide -- an 16:39:26
3 evaluation. So we use it, you know, to try to help 16:39:33
4 people where, you know, they need assistance or 16:39:37
5 where they have done well. 16:39:39

6 Q But if someone is a subpar employee and 16:39:43
7 is consistently subpar and is not responding to 16:39:46
8 suggestions for improvement, that employee is not 16:39:53
9 going to last long in your department, is he or 16:39:54
10 her? 16:39:58

11 MS. BURROUGHS: Objection. Speculation. 16:39:58

12 A You know, I can't -- I don't make that 16:39:59
13 determination. 16:40:01

14 Q HR makes that determination. Correct? 16:40:02

15 A Correct. 16:40:04

16 Q So there's a system in place to deal with 16:40:04
17 employees who are consistent under performers. Is 16:40:06
18 that right? 16:40:11

19 A There are -- there are avenues for us to 16:40:11
20 send up through the chain of command, you know, 16:40:16
21 to -- you know, to work with an employee that is, 16:40:20
22 you know, not -- not working at, you know, where 16:40:24

155

1 him or her, where they need to be performing. 16:40:30

2 Q Not performing up to standards? 16:40:33

3 A Correct. 16:40:34

4 Q Because it's a demanding job. Right? 16:40:35

5 A Yes, sir. 16:40:37

6 Q For all the reasons we've discussed. 16:40:37

7 A (No verbal response.) 16:40:39

8 Q And it's important for your people to be 16:40:39

9 as good as you can make them. Right? 16:40:41

10 A Yeah. We strive, you know, for everybody 16:40:43

11 to be at a certain level. 16:40:50

12 Q Let me hand you Exhibit 377. And here, 16:40:51

13 again, because we're -- you and I are both speaking 16:41:03

14 on the record, I'm not going to identify the name 16:41:06

15 of the person evaluated, but I will identify the 16:41:09

16 time period and the rank. And I would ask you to 16:41:13

17 follow my example on that so we're not bumping into 16:41:17

18 any privacy concerns. 16:41:21

19 A Yes, sir. 16:41:23

20 Q Are you good with that? 16:41:23

21 A Yes, sir. 16:41:24

22 Q So this first one, Exhibit 377, is an 16:41:25

189

1	now. Your counsel may have some questions for you.	17:17:01
2	MS. BURROUGHS: I will. But maybe now	17:17:03
3	would be a good time for that break.	17:17:05
4	MR. POWELL: As you wish.	17:17:07
5	THE VIDEOGRAPHER: Going off the record.	17:17:08
6	The time is now 17:18.	17:17:09
7	(Recess taken.)	17:17:12
8	THE VIDEOGRAPHER: Back on the record.	17:29:24
9	The time is now 17:31.	17:29:39
10	EXAMINATION BY COUNSEL FOR PLAINTIFFS	17:29:42
11	BY MS. BURROUGHS:	17:29:43
12	Q I just have a few questions for you. As	17:29:43
13	a Fire Captain I, do you have the authority to	17:29:45
14	assign overtime to off-duty firefighters?	17:29:49
15	A No.	17:29:51
16	Q As a Fire Captain I, do you approve	17:29:51
17	leave?	17:29:55
18	A No.	17:29:55
19	Q Do you set minimum staffing levels as a	17:29:55
20	Fire Captain I?	17:29:58
21	A No. That's handled by policy set down by	17:29:58
22	the fire department.	17:30:01

CONDUCTED ON WEDNESDAY, JUNE 4, 2014

191

1	calls. Keeps us healthy.	17:30:44
2	Q Okay. Can you issue discipline without	17:30:46
3	sending it up the chain of command for approval?	17:30:50
4	A No.	17:30:52
5	Q How much time have you spent reporting	17:30:53
6	violations of rules up the chain of command since	17:30:58
7	January 2011?	17:31:01
8	A I can't recall any. You know, I'm	17:31:01
9	fortunate. I work with a shift that we don't do	17:31:11
10	discipline, you know, or don't have to.	17:31:14
11	You know, I've had to do a couple of	17:31:16
12	e-mails; but, you know, they've been, you know,	17:31:18
13	correspondence back and forth. So maybe like 30,	17:31:25
14	40 minutes.	17:31:29
15	Q And that would be for that whole period	17:31:29
16	of three years between January 2011 to now?	17:31:32
17	A Correct.	17:31:35
18	Q Okay. On a fire scene, what are your	17:31:36
19	responsibilities as a Captain I?	17:31:40
20	A That's pretty vague, you know, because it	17:31:41
21	depends on what, you know, engine I'm coming in on	17:31:50
22	what tasks I'm going to be assigned.	17:31:54

192

1 But it may be, you know, giving a first 17:31:57
2 report; you know, making a lap, you know, assisting 17:31:59
3 on -- you know, either pulling a hose line or going 17:32:03
4 in and attacking the fire or making any rescues 17:32:05
5 that are, you know, obvious from, you know, 17:32:08
6 outside. 17:32:11

7 If it's the second in engine, it may be 17:32:11
8 a -- you know, would take water, and then I may 17:32:16
9 have to assume command for a short period, and then 17:32:18
10 that's passed on to the chief. 17:32:21

11 The third engine is pulling a hose line, 17:32:23
12 you know, to go to the rear, and -- but it's, you 17:32:27
13 know, all work and, you know, task-oriented with my 17:32:31
14 crew. 17:32:33

15 Q When you respond to a fire scene as a 17:32:33
16 Fire Captain I, do you work alongside your crew? 17:32:37

17 A Yes, I do. 17:32:40

18 Q At an emergency response scene as a 17:32:44
19 Captain I, what sorts of things would you do? 17:32:48

20 A Depending on how many patients. You 17:32:50
21 know, I could be taking a blood pressure. I could 17:32:53
22 be, you know, bandaging somebody. I could be, you 17:32:56

193

1 know, doing CPR on a patient. You know, if there's 17:32:58
2 only three of us there, the ALS people are pretty 17:33:01
3 busy and you -- you know, you rotate through. It's 17:33:05
4 pretty task-oriented, you know, tiring. 17:33:08

5 So I may be, you know, doing the 17:33:13
6 compressions or I may be bagging or, you know, 17:33:15
7 managing the airway, you know, on a patient. 17:33:17

8 Q As a Fire Captain I, what apparatus are 17:33:21
9 you generally assigned to? 17:33:26

10 A I am assigned to an engine company at the 17:33:28
11 station. 17:33:31

12 Q Does that engine company ever respond to 17:33:31
13 a call without you on it? 17:33:33

14 A No. 17:33:34

15 Q Do you run the same number of calls as 17:33:35
16 subordinates assigned to your same engine company? 17:33:40

17 A Yes. 17:33:42

18 Q When the tone rings and you are 17:33:42
19 dispatched, do you have to go? 17:33:45

20 A Yes. 17:33:46

21 Q Is that true if you're doing physical 17:33:47
22 fitness at the time that the tone rings? 17:33:51

194

1	A	Yes.	17:33:52
2	Q	If you're filling out an employee	17:33:53
3		evaluation, will you drop that and go when the tone	17:33:55
4		rings?	17:33:58
5	A	Correct.	17:33:58
6	Q	At the beginning of this deposition, you	17:33:58
7		told us a little bit about your history with the --	17:34:16
8		with the department. And based on the notes that I	17:34:19
9		took, it looked like you became a lieutenant in	17:34:22
10		1996. Was that right?	17:34:25
11	A	Correct.	17:34:26
12	Q	Okay. And then in 2006, you became a	17:34:27
13		Captain I. Am I remembering that right?	17:34:30
14	A	That would be correct.	17:34:32
15	Q	Did you take the test to become a	17:34:32
16		Captain I at the first opportunity that it was	17:34:35
17		available to you?	17:34:38
18	A	No.	17:34:38
19	Q	Why not?	17:34:39
20	A	A lot of it had to do with overtime. You	17:34:40
21		know, one, I was happy the position I was riding;	17:34:47
22		but, two, is -- you know, it would cost me money to	17:34:49

195

1 get promoted. So I waited until later on in my 17:34:52

2 career towards my retirement. 17:34:55

3 Q What do you mean it would cost you money 17:34:57

4 to get promoted? Can you tell me more? 17:34:59

5 A Yeah. It's -- you know, working overtime 17:35:01

6 and, you know, losing FSLA [sic], you know, it's a 17:35:02

7 considerable drop in pay, you know. So, I mean, 17:35:06

8 losing that overtime is a very hard hit on my 17:35:11

9 family. 17:35:16

10 So, you know, I waited until later on in 17:35:17

11 my career, you know, because it does benefit, you 17:35:19

12 know, in retirement. 17:35:23

13 Q Could you look back for me at Defendant's 17:35:23

14 Exhibit 356? 17:35:33

15 A (Witness complies.) I guess I didn't put 17:35:33

16 them in numbers. 17:35:46

17 MR. POWELL: It's not your fault, 17:35:47

18 Captain. I didn't follow numerical order. 17:35:49

19 THE WITNESS: Got to be in here 17:35:52

20 somewhere. 17:35:54

21 MS. BURROUGHS: I think you may have just 17:35:55

22 had it. I may have read wrong. 17:35:57

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :
-----x

CONTAINS CONFIDENTIAL PORTIONS
SUBJECT TO PROTECTIVE ORDER
Videotaped Deposition of
CHARLES RICHARD CUNNINGHAM
McLean, Virginia
Friday, May 30, 2014
1:51 p.m.

Job No.: 59781
Pages: 1 - 272
Reported By: Rebecca Stonestreet, RPR, CRR

12

1 The fire marshal's office was also involved with 13:53:52
2 it. Terry Faison, he was the other guy who 13:53:56
3 testified in that case. 13:53:59

4 But the only reason being, that I can 13:53:59
5 think of, or that I was told, was that I was the 13:54:03
6 Captain II, and my story was consistent with 13:54:07
7 everybody else who was with me on Engine 19 that 13:54:09
8 day or that morning. 13:54:13

9 Q In this -- in this testimony you gave, 13:54:13
10 can you just briefly summarize what you were 13:54:25
11 testifying about? 13:54:27

12 A Initial size-up, meaning what I first 13:54:28
13 saw, first observances; and then deciding what -- 13:54:36
14 you know, what I should take first; and then, you 13:54:43
15 know, helping pull the hose line, advancing the 13:54:50
16 hose line into the building and actually attacking 13:54:54
17 the fire. 13:54:57

18 And, then, basically, what I had to 13:54:57
19 testify about was smoke conditions, the extent of 13:54:59
20 the fire, because it was -- it was an incendiary 13:55:02
21 device, kind of an explosion, and just what the 13:55:05
22 outside of the building looked like, you know, in 13:55:08

13

1 terms of glass being blown off the building and -- 13:55:11
2 those sorts of things is what I had to testify 13:55:14
3 about. 13:55:16

4 Q You mentioned that there was another 13:55:16
5 person, Terry Faison. Is that right? 13:55:18

6 A Yeah. He was the -- one of the -- it was 13:55:20
7 many investigators, but he was the one from the 13:55:23
8 department who went to that case. 13:55:28

9 Q And were you present when he testified? 13:55:29

10 A No. 13:55:31

11 Q You said your testimony was consistent 13:55:31
12 or -- correct me if I'm getting this wrong. But 13:55:37
13 you said that your story was consistent with what 13:55:40
14 the investigators found? 13:55:43

15 A Yeah. I can't remember who the U.S. -- I 13:55:44
16 do have his card at home. Williamime (ph), I 13:55:50
17 can't -- it started with a W. 13:55:53

18 But the U.S. Attorney who was in charge 13:55:55
19 of prosecuting the case interviewed everybody who 13:55:57
20 was on the engine company with me today -- me, my 13:56:01
21 driver, the two firefighters in the back -- on 13:56:03
22 exactly what we observed, what our actions were, 13:56:06

25

1 A I replaced the guy in that same station, 14:07:30
2 different shift. 14:07:35

3 Q Okay. And did you -- strike that. 14:07:35

4 Now, looking at this document, would you 14:07:46
5 agree that the four bullets that you have under 14:07:54
6 "Captain I" match the last four bullets that you 14:07:56
7 have under "Captain II"? 14:08:00

8 A Yes. The last four does match the last 14:08:01
9 four as listed under "Captain II." 14:08:32

10 Q Right. And then you have some more 14:08:36
11 bullets under "Captain II." Correct? 14:08:38

12 A Yes. 14:08:40

13 Q Okay. And so these -- you intended to 14:08:41
14 these -- you intended for these to be accurate 14:08:44
15 representations of what you did as Captain I and 14:08:49
16 what you were doing as Captain II. Correct? 14:08:51

17 A Correct. 14:08:53

18 Q At the time that you wrote this document. 14:08:57
19 Right? 14:08:59

20 A Yes. 14:08:59

21 Q And there are more bullets under "Captain 14:08:59
22 II" because you had these additional duties once 14:09:05

26

1 you were promoted. Right?

14:09:07

2 A Yes.

14:09:08

3 Q Now, you have the word -- or the phrase
4 "shift supervisor" under "Captain II." Do you see
5 that in the bullet that starts -- the fourth from
6 the last bullet, "function as a shift supervisor"?

14:09:09

14:09:18

14:09:21

14:09:27

7 A Fourth from the last? One, two, three --
8 yes.

14:09:30

14:09:33

9 Q See that? And the first bullet under
10 "Captain I" says: "Function as a shift
11 supervisor." Do you see that?

14:09:33

14:09:38

14:09:41

12 A Yeah.

14:09:41

13 Q But the first bullet under "Lieutenant"
14 says: "Commanded the engine company and the ladder
15 truck as a unit supervisor." Correct?

14:09:42

14:09:44

14:09:47

16 A Correct.

14:09:48

17 Q Okay. So what is the difference between
18 a shift supervisor and unit supervisor as you
19 intended those words there?

14:09:49

14:09:51

14:09:54

20 A Okay. The unit supervisor simply, you
21 have your own unit - an engine, a rescue, or a
22 ladder company - and your responsibility is for the

14:09:54

14:09:57

14:10:00

27

1 function of that unit as assigned by the incident 14:10:05

2 commander or whatever you get assigned that day. 14:10:10

3 Meaning that your responsibility is for 14:10:12

4 the safety and well-being of everybody, of the guys 14:10:15

5 who are assigned to that rig. Okay? As a unit 14:10:18

6 supervisor. 14:10:23

7 As a shift supervisor, you may -- 14:10:24

8 depending on how big your station is, you may have 14:10:26

9 just a medic unit, an engine and a medic, or you 14:10:29

10 could have a very large station with a multiuse 14:10:29

11 station. 14:10:29

12 And the shift supervisor -- do you want 14:10:33

13 me to tell you what a shift supervisor does? 14:10:36

14 Q Sure. What did you intend by the words 14:10:38

15 there? When you -- yes, give me your understanding 14:10:40

16 of shift supervisor. 14:10:41

17 A Simply meaning that everything builds off 14:10:43

18 the last previous thing. As lieutenant, you have 14:10:45

19 your engine or your truck or your rescue. 14:10:50

20 As a shift supervisor, you're still 14:10:52

21 assigned to an engine company or a rescue or a 14:10:54

22 ladder company; it's your decision. Primarily, 14:10:57

121

1 recommendation that you made -- strike that. 16:19:16

2 Let's go through them one by one. In the 16:19:23

3 first instance -- and, again, I'm not going to read 16:19:29

4 the individual's name into the record, but you 16:19:32

5 identify a person whom you -- who received a 16:19:37

6 written reprimand and may have also received a one- 16:19:47

7 or two-shift suspension for holding a job outside 16:19:50

8 the department while on FMLA leave. Do you see 16:19:51

9 that? 16:19:55

10 A Yes. 16:19:55

11 Q And do you recall what your 16:19:55

12 recommendation was? 16:19:56

13 A Based on the progressive discipline, my 16:19:57

14 recommendation was for termination, in conjunction 16:20:01

15 with the battalion chief. 16:20:04

16 Q Okay. And so the -- and the person 16:20:05

17 received a written reprimand and maybe a one- or 16:20:10

18 two-shift -- one or two-shift suspension? 16:20:14

19 A Yeah. It went up -- it went up the chain 16:20:15

20 of command and the recommendation wasn't followed. 16:20:17

21 Q Okay. And the next instance, the oral 16:20:20

22 reprimand for failing to complete patient care 16:20:29

122

1	reports, what was your recommendation there?	16:20:31
2	A It was just an oral.	16:20:33
3	Q You recommended an oral?	16:20:36
4	A I believe.	16:20:37
5	Q Okay. And he received it? He received	16:20:38
6	an oral?	16:20:40
7	A Yeah.	16:20:41
8	Q And the next instance, someone who failed	16:20:41
9	to complete assignments received an oral reprimand?	16:20:47
10	A (No verbal response.)	16:20:53
11	Q And, again --	16:20:54
12	A Yes.	16:20:55
13	Q -- was that your recommendation?	16:20:56
14	A Yes.	16:20:57
15	Q Okay. And when an oral reprimand is	16:20:57
16	given, is a form filled out?	16:21:00
17	A Typically it's a form that you fill out	16:21:01
18	stating the employee that -- yes. And it's kept in	16:21:05
19	the station files.	16:21:10
20	Q So -- and it's an oral reprimand, meaning	16:21:10
21	it's given verbally. Right?	16:21:15
22	A Yes.	16:21:17

156

1 only signature missing is from the employee on the 16:58:43

2 other shift. What are your actions?" 16:58:45

3 And so you have -- one, two, three, four, 16:58:47

4 five -- six comments in red here. Right? 16:58:58

5 A Uh-huh. 16:59:00

6 Q Okay. And going to your third comment, 16:59:01

7 "If the employee comes in, then follow tardiness 16:59:05

8 SOPs"? 16:59:08

9 A Yes. 16:59:09

10 Q Right. So the lower case SOP is the same 16:59:10

11 as -- 16:59:13

12 A Yeah. 16:59:13

13 Q -- the upper case SOP, standard operating 16:59:13

14 procedures. Right? 16:59:16

15 A Yes. 16:59:17

16 Q And what is your understanding of that? 16:59:17

17 What did you mean by that? 16:59:19

18 A Just means there's an SOP for it. 16:59:20

19 Q And what did it require you to do? 16:59:26

20 A The SOP? 16:59:28

21 Q Uh-huh. 16:59:29

22 A That falls underneath work hours SOP, 16:59:29

157

1 and, I mean, it just simply says -- I used the word 16:59:32
2 "tardiness," but the actual SOP is under work 16:59:42
3 hours. 16:59:46

4 Q Okay. 16:59:46

5 A And that -- I mean, that's the SOP, and 16:59:47
6 the -- and there's like a subsection within that 16:59:52
7 SOP. 16:59:54

8 You know, an employee has the time the 16:59:54
9 shift starts to an hour to get to work, would be 17:00:01
10 considered tardy, and it's up to you or the 17:00:04
11 battalion chief to decide whether -- I mean, 17:00:07
12 obviously, you don't want the battalion chief to 17:00:09
13 know that so-and-so hasn't showed up for work yet. 17:00:11
14 And it's their decision, if it's excused or -- 17:00:14
15 what's the verbiage? 17:00:17

16 Or like an excused tardiness: "Yeah, you 17:00:20
17 had a flat tire; that's what happened." You know, 17:00:27
18 so you listen to the employee's excuse of why 17:00:28
19 they're late for work. 17:00:31

20 Q Uh-huh. 17:00:34

21 A And so -- and then if it's -- then you've 17:00:34
22 got -- it's the if/thens. 17:00:43

158

1	Q	Okay. So let's say it's not an excused.	17:00:45
2		They don't have a good reason. They overslept.	17:00:48
3	A	Well, if it's not a good -- well, you	17:00:51
4		check their file and see if there's any progressive	17:00:51
5		discipline. And then that sets off the chain of,	17:00:54
6		okay, well, it's similar to everything else we've	17:00:57
7		discussed. You have to make a recommendation to	17:01:01
8		the chief, and, "Hey, look, he's already got an	17:01:04
9		oral reprimand. This is probably going to be a	17:01:10
10		written because it's within a year."	17:01:13
11		And then it goes up through the chain.	17:01:15
12		Then you have to do the proposed written reprimand,	17:01:17
13		and then it just -- everything is contingent on	17:01:20
14		where they fall on the progressive discipline	17:01:23
15		scale.	17:01:27
16	Q	Uh-huh. And then is there a separate one	17:01:28
17		on unauthorized -- the next bullet says: "If	17:01:33
18		employees does not come in, then follow	17:01:36
19		unauthorized absence SOP." What is that?	17:01:39
20	A	That's -- it's -- that SOP, it all kind	17:01:41
21		of falls underneath the same work hours SOP. It's	17:01:47
22		just a subsection. Again, I wrote this at like	17:01:50

159

1	2 o'clock in the morning, and after coming back --	17:01:53
2	it was a busy day. I mean, I remember	17:01:57
3	specifically, you know, answering that question.	17:02:00
4	But, I mean, it was just late at night, I	17:02:06
5	believe.	17:02:08
6	Q Sure. And I'm just asking is -- there's	17:02:12
7	an SOP unauthorized absence?	17:02:13
8	A Yes.	17:02:16
9	Q And is it the same sort of procedure	17:02:16
10	where the person can be disciplined for that?	17:02:18
11	A Yes.	17:02:21
12	Q And then it's up to you to decide whether	17:02:22
13	to recommend that discipline or not?	17:02:24
14	A An unauthorized absence is simply that.	17:02:25
15	It's leave without -- then you have -- it's a whole	17:02:29
16	different set of actions.	17:02:32
17	Q And what are those whole different set of	17:02:33
18	actions?	17:02:35
19	A An unauthorized absence is -- well, it's	17:02:36
20	unauthorized. You got to figure out where the	17:02:41
21	employee is. Okay? Is he coming in; not coming	17:02:44
22	in. And, then, based on your investigation of what	17:02:47

233

1	A	Yeah.	18:42:10
2	Q	Okay. And -- so an addendum, is that the	18:42:11
3		multirater form that we were looking at earlier?	18:42:16
4	A	Yes. Yeah, just a different name for it.	18:42:19
5	Q	Okay. And who is Adam? What's his	18:42:20
6		position?	18:42:20
7	A	Adam Bartmann. He's a technician, just	18:42:24
8		got promoted to technician, and he's the paramedic	18:42:25
9		on Engine 442.	18:42:26
10	Q	Okay. All right. So then let's take a	18:42:32
11		look at the next page.	18:42:39
12		And the next page is an exchange with you	18:42:40
13		and Todd Gorham?	18:42:46
14	A	Okay.	18:42:49
15	Q	Correct? And that's dated January 30,	18:42:49
16		2014?	18:42:52
17	A	Correct.	18:42:52
18	Q	Right. And the subject of this one is	18:42:52
19		Hessler ER?	18:42:55
20	A	Right.	18:42:56
21	Q	And who is Hessler?	18:42:57
22	A	Dave Hessler was my lieutenant at Fire	18:42:59

234

1	Station 19.	18:43:04
2	Q Okay. And so he's asking you: "I did	18:43:04
3	Dave's ER. Would you concur with an excellent	18:43:14
4	rating?"	18:43:19
5	A Yes. And I said yes.	18:43:19
6	Q And so was he -- this -- was he asking	18:43:20
7	you about this because there was some overlap in	18:43:24
8	supervisory role at that point?	18:43:29
9	A Yeah. I had left prior to Dave's ER	18:43:30
10	being fully completed, and then Todd just kind of	18:43:34
11	stepped in where I left off and picked up.	18:43:37
12	Q Okay. And so, then, you put -- you gave	18:43:39
13	him some feedback and said: "Yes, I strongly	18:43:42
14	agree." Right?	18:43:45
15	A Yes.	18:43:46
16	Q And then you say: "He was instrumental	18:43:46
17	in putting the Holmatro tool service as well" --	18:43:48
18	A Holmatro.	18:43:54
19	Q Sorry. Say that again.	18:43:57
20	A Holmatro.	18:43:58
21	Q Holmatro. "So you might want to add	18:43:59
22	that."	18:44:01

235

1 And that's add that to the evaluation. 18:44:01

2 Right? 18:44:03

3 A Yes. 18:44:03

4 Q Okay. So you were providing some input 18:44:03

5 into this evaluation that was being completed for 18:44:06

6 Hessler. Right? 18:44:09

7 A Correct. 18:44:09

8 Q Okay. Let's take a look at the next 18:44:12

9 e-mail chain, and that one goes to two pages, to 18:44:17

10 6574 and 6575. Do you see that? 18:44:24

11 A Okay. 18:44:27

12 Q Okay. And so going backwards and looking 18:44:29

13 at 6575 is the first e-mail in the chain. And 18:44:33

14 that's from Thomas Mayhew to you? 18:44:36

15 A Correct. 18:44:41

16 Q And he says, "Captain, I need an 18:44:41

17 FRD 430." 18:44:47

18 What is an FRD 430? 18:44:49

19 A It's just an addendum. Same thing. 18:44:51

20 Q Oh, multirater form that we looked at? 18:44:53

21 A Yeah. 18:44:56

22 Q Okay. It should run from March 2013 to 18:44:57

236

1 March 2014. And then this exchange. Do you recall 18:44:59

2 this exchange? 18:45:10

3 A Yeah. We were kind of joking back and 18:45:11

4 forth. 18:45:13

5 You know, you catch a lot of jazz about 18:45:17

6 being an EMS captain sometimes, and I did. Then I 18:45:19

7 explained to them that I run more calls than they 18:45:22

8 do. So... 18:45:24

9 Q Okay. And so then he says to you he 18:45:25

10 needed an FRD, and then you wrote him back in the 18:45:28

11 next e-mail in the chain. Right? 18:45:37

12 A Uh-huh. 18:45:38

13 Q On February 3rd, 2014? 18:45:38

14 A Correct. 18:45:41

15 Q And you say: "I know Cheseck used to do 18:45:41

16 one for all the medics, but that really is not the 18:45:47

17 norm." 18:45:50

18 Who is Cheseck? 18:45:51

19 A John. Excuse me, he was my predecessor. 18:45:52

20 Q Your predecessor at Captain II? 18:45:56

21 A Yeah. He was -- 18:45:58

22 Q Excuse me. EMS Captain II? 18:45:59

237

1	A	Yes.	18:46:01
2	Q	Okay.	18:46:01
3	A	And he transferred into another spot.	18:46:01
4	Q	And then you say: "But that really is	18:46:04
5		not the norm, and it's something I really don't see	18:46:06
6		a need for. However, I would be happy to do it for	18:46:08
7		you, but it would have to be handwritten."	18:46:11
8		Right?	18:46:13
9	A	Correct.	18:46:15
10	Q	Okay. And then he wrote you back and	18:46:16
11		said: "Hey, boss, I think SOP" -- S-O-P. Right?	18:46:17
12	A	Yeah.	18:46:17
13	Q	"Requires it. Check the part about medic	18:46:22
14		working" -- it says "door," but I think maybe he	18:46:25
15		meant "for." Is that right?	18:46:28
16		MS. BURROUGHS: Objection. Speculation.	18:46:30
17	Q	Do you read that typo the way I'm reading	18:46:31
18		that typo? "Check the part about medic working	18:46:33
19		door non-ALS officer."	18:46:37
20	A	And he was right about doing the	18:46:39
21		addendum. It was SOP. I don't know what he meant	18:46:49
22		by "door."	18:46:51

241

1	I'll try to be as quick as we possibly can. I'm	18:49:29
2	going go through a few of them referencing both	18:49:32
3	your fire captain operational position that we	18:49:34
4	discussed earlier today and your EMS Captain II	18:49:37
5	position that we have just been discussing.	18:49:40
6	If at any time you're unclear about which	18:49:42
7	position I'm referencing, please ask. Okay?	18:49:44
8	A Okay.	18:49:47
9	Q As a Fire Captain II in operations, did	18:49:47
10	you have the authority to assign overtime to	18:49:51
11	off-duty firefighters?	18:49:55
12	A No.	18:49:55
13	Q As an EMS Captain II, did you have the	18:49:55
14	authority to assign overtime to off-duty	18:50:02
15	firefighters?	18:50:02
16	A No.	18:50:05
17	MS. REWARI: Object to form.	18:50:05
18	Q As a Fire Captain II in operations, do	18:50:07
19	you approve leave?	18:50:09
20	MS. REWARI: Object to form.	18:50:11
21	A No.	18:50:12
22	Q As an EMS Captain II, do you approve	18:50:12

242

1	leave?	18:50:12
2	MS. REWARI: Object to form.	18:50:12
3	A No.	18:50:12
4	Q As a Fire Captain II do you -- in	18:50:15
5	operations, do you set minimum staffing levels?	18:50:15
6	A No.	18:50:19
7	MS. REWARI: Object to form.	18:50:19
8	Q As an EMS Captain II, do you set minimum	18:50:20
9	staffing levels?	18:50:24
10	A No.	18:50:25
11	MS. REWARI: Object to form.	18:50:31
12	(Discussion off the record.)	18:50:38
13	Q As an operations Fire Captain II, how	18:50:38
14	much time did you spend doing performance	18:50:43
15	appraisals each year?	18:50:45
16	A Two to four hours, six max.	18:50:46
17	Q Each year?	18:50:50
18	A Yeah.	18:50:51
19	Q As an EMS Captain II, how much time did	18:50:51
20	you spend doing performance appraisals each year?	18:50:55
21	MS. REWARI: Object to form.	18:50:58
22	MS. BURROUGHS: Do you have a specific	18:51:00

243

1	objection?	18:51:02
2	MS. REWARI: He hasn't been an EMS	18:51:03
3	Captain II for more than a year, so I object to the	18:51:06
4	form of that question.	18:51:08
5	Q As an EMS Captain II, how long have you	18:51:09
6	spent doing performance appraisals?	18:51:11
7	A Half an hour.	18:51:13
8	Q Okay. You mentioned earlier that	18:51:14
9	lieutenants also do performance appraisals. Is	18:51:18
10	that correct?	18:51:20
11	A Correct.	18:51:20
12	Q When lieutenants do performance	18:51:21
13	appraisals, do they sign those performance	18:51:23
14	appraisals?	18:51:26
15	A Yes.	18:51:26
16	(Discussion off the record.)	18:51:27
17	Q Do you engage in physical fitness as a	18:51:27
18	Fire Captain II in operations?	18:51:59
19	A Yes.	18:52:01
20	Q Approximately how much time each shift	18:52:01
21	did you engage in physical fitness?	18:52:04
22	A We try for two hours.	18:52:06

244

1	Q	You said you -- "we try for two hours."	18:52:08
2		What can stop you?	18:52:10
3	A	When we get dispatched for a call.	18:52:11
4	Q	Okay. As an EMS Captain II, do you	18:52:14
5		engage in physical fitness?	18:52:16
6	A	Yes.	18:52:17
7	Q	How much physical fitness do you engage	18:52:18
8		in -- how much time do you spend engaged in	18:52:20
9		physical fitness per shift as an EMS Captain II?	18:52:24
10	A	About the same. We shoot for two hours,	18:52:24
11		but depending on call volume, we take that.	18:52:27
12	Q	Okay. As a Captain II in operations,	18:52:33
13		you -- we talked about trainings that you did.	18:52:37
14	A	Uh-huh.	18:52:39
15	Q	What kinds of trainings did you do in --	18:52:39
16		when you were a Captain II in operations?	18:52:42
17	A	It could range from suppression-oriented	18:52:45
18		drills to extrication drills, you know, if you're	18:52:48
19		at a rescue house, to going over the new -- like,	18:52:53
20		for instance, I carry the LUCAS device on the -- on	18:53:03
21		my unit now. And I'm the one responsible for	18:53:06
22		applying that device on cardiac arrests.	18:53:09

245

1 So one of the things that I had to do was 18:53:13
2 go through the entire battalion and make sure 18:53:16
3 everyone is trained on this device, the chest 18:53:18
4 compression device. And -- but I'm the one 18:53:22
5 primarily responsible for that and helping out 18:53:24
6 during CPRs. 18:53:26

7 Q So you received training on the LUCAS 18:53:27
8 device? 18:53:30

9 A Yes, I did receive training. And then I 18:53:30
10 had to train everybody on it. 18:53:32

11 Q And did you receive that training as an 18:53:33
12 EMS Captain II? 18:53:36

13 A Yes. 18:53:37

14 Q Okay. As a Fire Captain II, back when 18:53:37
15 you were in operations, how much time during each 18:53:42
16 shift did you spend doing the trainings that we 18:53:46
17 just discussed, with the exception of the LUCAS 18:53:48
18 training? 18:53:50

19 A On average, two and a half to 18:53:50
20 three hours. 18:53:53

21 Q For each shift? 18:53:53

22 A Typically. 18:53:54

249

1	Q	As a Fire Captain II station commander,	18:57:44
2		what is your most important job duty?	18:57:46
3		MS. REWARI: Object to form.	18:57:50
4		THE WITNESS: Answer?	18:57:51
5		MS. BURROUGHS: Uh-huh.	18:57:52
6	A	Respond to calls, make sure that when	18:57:54
7		we -- I mean, every day. Even when I was an EMS	18:57:57
8		Captain II, my primary responsibility is to	18:58:00
9		respond, assist, fit in where I can, assure that	18:58:02
10		the scenes go -- that we do the right thing, that	18:58:05
11		the guys come home; we do it safely. And that's	18:58:08
12		our primary responsibility, is responding to the	18:58:13
13		911 call.	18:58:16
14	Q	First, as a Fire Captain II station	18:58:16
15		commander, what do you do on a fire scene or	18:58:19
16		emergency response scene?	18:58:22
17		MS. REWARI: Object to the form.	18:58:24
18		THE WITNESS: Answer?	18:58:25
19		MS. BURROUGHS: Uh-huh.	18:58:26
20	A	If you're first in, you do a scene	18:58:28
21		size-up, meaning you look at the -- you look at the	18:58:30
22		building, figure out what you've got, do your ready	18:58:32

250

1 reports, call for any additional resources, help 18:58:35
2 deploy hand lines. You may end up having to force 18:58:39
3 entry if you're by yourself. 18:58:44

4 Everything you do -- your job can be 18:58:46
5 varied depending on what needs to be done at that 18:58:50
6 point in time -- anything from hitting the fire 18:58:53
7 yourself to forcing entry to pulling a victim out 18:58:55
8 of a building. 18:58:58

9 Q As an EMS Captain II now, what do you do 18:58:58
10 when you respond to fire or emergency response 18:59:02
11 scenes? 18:59:04

12 MS. REWARI: Object to form. 18:59:05

13 A Well, from a medical standpoint, if I'm 18:59:06
14 first in, if I'm the first to arrive on the scene, 18:59:11
15 I will initiate patient care if it's -- meaning 18:59:14
16 that if it's -- if it's a working cardiac arrest, 18:59:17
17 I'll initiate CPR; I'll get the automatic AED, you 18:59:21
18 know, placed on the patient; and I will start 18:59:28
19 treating a patient myself until help arrives. Or 18:59:30
20 interviewing, getting the vital signs myself. 18:59:33

21 Again, order of arrival predicates 18:59:37
22 everything. So since I do have -- I'm carrying all 18:59:41

251

1	medical tools. I can start IV lines, take vital	18:59:50
2	signs, give medications. You know, I've got my own	18:59:54
3	kit that's with me, as well as being a supply	18:59:59
4	vehicle to support other medic units.	19:00:02
5	From a fire standpoint, I can fit into	19:00:04
6	the NIMS, you know, to assist the battalion chief,	19:00:07
7	filling any, like, Division Charlie or Division 7	19:00:12
8	on a fire, up to taking over a crew if an officer	19:00:14
9	gets injured.	19:00:19
10	Because that's where I come from. I am a	19:00:19
11	suppression captain, and it's easy for me to go in	19:00:21
12	and fit in and take over if an officer gets	19:00:26
13	injured, twists his ankle. And I get used more in	19:00:32
14	an operational fashion than an aide role.	19:00:36
15	Q And you mentioned you have a kit that	19:00:43
16	travels with you.	19:00:45
17	A Well, it's my equipment. You know, I've	19:00:47
18	got my airway bag, my medication bag.	19:00:47
19	Q Is there anything else in that kit?	19:00:51
20	A Tool specific?	19:00:53
21	Q Uh-huh.	19:00:54
22	A I've got -- I carry a lot of different	19:00:55

252

1	medications, cardiac meds, respiratory meds,	19:00:58
2	BP cuff, stethoscope. I carry narcotics. I carry,	19:01:01
3	obviously, the LUCAS, the new chest compression	19:01:08
4	device. I carry a monitor, which is a LIFEPAK,	19:01:12
5	where I can hook somebody up, you know, see what	19:01:15
6	the cardiac rhythm is. I carry oxygen, O2. I'm	19:01:17
7	able to intubate people.	19:01:22
8	I can also do -- you know, we carry a lot	19:01:25
9	of different EMS equipment and everything from	19:01:31
10	basic life support, which is simple, you know, bag	19:01:34
11	valve mask operation, all the way up to doing a	19:01:38
12	trach right where you insert an endotracheal tube	19:01:43
13	through the throat down. I carry the tools for	19:01:48
14	that too.	19:01:51
15	So I'm a mini medic unit just by myself	19:01:52
16	in terms of equipment. The --	19:01:55
17	Q On that -- I'm sorry?	19:01:57
18	A Go ahead.	19:01:57
19	Q You mentioned medications. Do you	19:01:57
20	administer the medications that you carry with you	19:01:59
21	if it's needed?	19:02:01
22	A Yeah, sometimes. You know, if it's a	19:02:02

253

1 diabetic and I'm first, I -- you know, I can 19:02:04
2 probably -- you know, depending on how far away a 19:02:08
3 medic unit is, I'll start the IV line, and I'll get 19:02:09
4 the D50 ready, and I will start administering and 19:02:13
5 treating the patient. 19:02:16

6 Q When you were a Fire Captain II station 19:02:17
7 commander, what apparatus were you generally 19:02:24
8 assigned to? 19:02:27

9 A The engine company. 19:02:27

10 Q Did that apparatus ever respond to a call 19:02:28
11 without you on it? 19:02:33

12 A Never. And it also depended on what 19:02:35
13 station I was at. Like at 26, I was the engine 19:02:37
14 company and foam unit. And at 19, I was the engine 19:02:41
15 company, sometimes the rescue. 19:02:45

16 Q All right. When you were a 19:02:46
17 Fire Captain II station commander, did you go on 19:02:48
18 the same number of calls as your subordinates that 19:02:52
19 were assigned to your same apparatus? 19:02:54

20 A Yes, every day. They would not respond 19:02:55
21 without me. 19:02:57

22 Q When you were a Fire Captain II station 19:02:58

257

1	by the person who is in charge of the ER -- or the	19:06:27
2	main party.	19:06:31
3	Q Okay. As a Captain II station commander,	19:06:32
4	did you have any purchasing authority?	19:06:40
5	A No.	19:06:43
6	MS. REWARI: Object to form.	19:06:43
7	A No.	19:06:45
8	Q Did you have a credit card, like a county	19:06:45
9	credit card or anything like that that you could	19:06:48
10	use?	19:06:50
11	MS. REWARI: Object to form.	19:06:51
12	A No, I did not.	19:06:52
13	Q Earlier we talked about the Captain II	19:06:58
14	exam process and your involvement in the Captain II	19:07:17
15	exam. And we discussed in-baskets. Do you	19:07:19
16	remember that?	19:07:23
17	A Yes.	19:07:24
18	Q Are in-baskets hypothetical situations?	19:07:24
19	A Yes.	19:07:26
20	Q We looked at three different documents	19:07:27
21	that dealt with in-baskets. Do you remember those?	19:07:34
22	Would you like to refresh your recollection?	19:07:38

263

1	Q	Okay. So this document is dated	19:15:44
2		June 28th, 2011. Is that correct?	19:15:48
3	A	Yes.	19:15:50
4	Q	And if you go to the second paragraph,	19:15:53
5		the second full paragraph in the memo, it says:	19:15:58
6		"And you failed to appear at" -- "on a traffic	19:16:03
7		violation on September 15th, 2009, after being	19:16:06
8		issued a summons." And then it goes on: "Your	19:16:10
9		driving privileges being suspended on October 8th,	19:16:12
10		2009." Is that right?	19:16:15
11	A	Yes, it appears that...	19:16:16
12	Q	So did the events in this -- that this	19:16:19
13		memo is referring to happen two years before the	19:16:24
14		date that this memo was drafted?	19:16:27
15	A	It appears so, yes.	19:16:29
16	Q	Did you have firsthand knowledge about	19:16:34
17		this individual's failure to appear at that traffic	19:16:36
18		violation?	19:16:39
19	A	I did not.	19:16:39
20	Q	How did you find out about this incident?	19:16:39
21	A	It was a department-wide thing, and this	19:16:42
22		is one of the guys that got caught up in it.	19:16:48

264

1 Q What do you mean that "it was a 19:16:50

2 department-wide thing"? 19:16:52

3 A Every year the department conducts 19:16:53

4 driver's license checks, makes sure that 19:17:00

5 everyone -- somebody had dropped the ball, and it 19:17:02

6 hadn't been done in years. And then when they 19:17:04

7 finally did, this happened, and there was -- a lot 19:17:07

8 of people got caught up in it. 19:17:12

9 Q Do you remember what individual or the 19:17:19

10 position that individual held, that told you about 19:17:21

11 this incident? 19:17:23

12 A This, at that point -- it was a -- there 19:17:25

13 was quite a number of people on A-shift that got 19:17:29

14 caught up into this. It was from the deputy BC 19:17:33

15 down. 19:17:38

16 Q Were all the individuals caught up in 19:17:38

17 this treated the same? 19:17:49

18 A For the most part, yes, I believe they 19:17:50

19 were, depending on their infractions. I mean, I 19:17:53

20 can't speak for anybody else. 19:17:58

21 Q Who recommended that this individual 19:17:59

22 receive a suspension of two 24-hour shifts? 19:18:06

265

1	MS. REWARI: Object to form.	19:18:13
2	A This came from above me. I believe this	19:18:14
3	came from the deputy.	19:18:16
4	Q Earlier when we looked at this document,	19:18:17
5	you mentioned that June 28th, 2011, the day that	19:18:25
6	it's dated, was shortly after you came off light	19:18:28
7	duty. Do you remember saying that?	19:18:31
8	A Yeah. This entire mess was occurring	19:18:33
9	while I was on light duty.	19:18:35
10	Q Okay. So what was your role in "this	19:18:37
11	mess," as you put it, and this document?	19:18:42
12	MS. REWARI: Object to form.	19:18:45
13	A I was simply the -- I was simply the	19:18:46
14	delivery boy. This had already been written, done,	19:18:48
15	and even though I initialled it, I was the guy that	19:18:52
16	was to administer it.	19:18:54
17	MS. BURROUGHS: That's it. That's all I	19:19:20
18	have. Thank you.	19:19:21
19	MS. REWARI: I have a couple more	19:19:23
20	questions. Sorry.	19:19:25
21	FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT	19:19:27
22	BY MS. REWARI:	19:19:27

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x

GERARD MORRISON, et al., :

Plaintiffs, : Civ. Action No.

v. : 1:14cv5 (CMH/JFA)

COUNTY OF FAIRFAX, VA., :

Defendant. :

-----x

Videotaped Deposition of MICHAEL B. DAVIS

McLean, Virginia

Monday, June 2, 2014

9:49 a.m.

Job No.: 59003

Pages: 1 - 303

Reported By: Rebecca Stonestreet, RPR, CRR

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

23

1 Q Okay. And how many stations does that 10:00:22
2 include? 10:00:26

3 A Well, let me see. You've got -- I would 10:00:26
4 say -- if you want an exact, I could give it to 10:00:34
5 you, but I'm -- I'm going to say probably six to 10:00:37
6 ten stations. 10:00:39

7 Q Okay. And as a safety officer, what is 10:00:39
8 your role within the fire department? 10:00:51

9 A Our role is basically to be the 10:00:53
10 operational advocates for the fire department. So 10:00:56
11 we go on all calls that are suppression-orientated, 10:00:59
12 hazmat, technical rescue, vehicle accidents. You 10:01:07
13 know, bigger calls. 10:01:12

14 And our job is to survey the scene. You 10:01:13
15 know, we work for -- as a -- we plug into the 10:01:16
16 incident commander and we're the eyes and ears for 10:01:22
17 him of anything safe. You know, we have the 10:01:26
18 authority to stop any act or any fire scene, you 10:01:28
19 know, if we see something that's unsafe. 10:01:37

20 On the other side of the coin, we're 10:01:39
21 responsible to go out and actively investigate fire 10:01:42
22 department vehicle accidents, fire department 10:01:45

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

24

1 injuries, civilian injuries, civilian property 10:01:49
2 damage accidents, if the -- if we, you know, in the 10:01:53
3 fire department damage somebody's rug, we go out 10:01:56
4 and investigate it. Take pictures of it. 10:01:58
5 We handle all infectious disease 10:02:02
6 exposures when our providers get exposed, to 10:02:05
7 include citizen -- good Samaritan exposure. So if 10:02:08
8 a good Samaritan is doing the right thing, doing 10:02:12
9 CPR, we handle that exposure. 10:02:17
10 Q Okay. 10:02:17
11 A You know, work with the health 10:02:18
12 department. 10:02:19
13 Q Okay. You may have also answered this, 10:02:19
14 and I apologize if it's a duplicate question, but 10:02:21
15 how many safety officers at the Captain I level are 10:02:23
16 there in the Fire and Rescue department? 10:02:27
17 A (Unintelligible.) Two. 10:02:29
18 Q Two? 10:02:29
19 A Per shift. 10:02:31
20 Q Okay. 10:02:31
21 A There's three shifts. So your answer 10:02:33
22 would be six, counting all three shifts. 10:02:35

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

45

1	A	Yes, ma'am.	10:22:53
2	Q	Okay. So you received the position of	10:22:54
3		Safety Officer I when you applied for it. Is that	10:23:03
4		correct?	10:23:05
5	A	The second time.	10:23:05
6	Q	The second time. Is this the first time	10:23:06
7		or the second time that you applied?	10:23:07
8	A	This is the second time.	10:23:09
9	Q	Okay. So this letter, August 20th, 2012,	10:23:10
10		after applying you received the position, and I	10:23:14
11		believe you indicated you started your position in	10:23:17
12		October 2012. Is that correct?	10:23:19
13	A	Yes.	10:23:21
14	Q	Okay.	10:23:22
15	A	The other time I was a lieutenant on the	10:23:24
16		captain's list putting in, because a lieutenant can	10:23:26
17		put in for this list if they're on the promotional	10:23:30
18		eligibility list.	10:23:33
19	Q	Okay. But this is the letter that we're	10:23:33
20		looking at that led to you getting your position,	10:23:35
21		your current position. Right?	10:23:38
22	A	I believe so.	10:23:40

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

184

1	Q	Okay. And it looks like Captain Lopez	12:55:21
2		forward had e-mail to you and to Captain Ryan.	12:55:24
3	A	Yes, ma'am.	12:55:26
4	Q	Is that correct? Okay.	12:55:27
5		And then Captain Ryan wrote a response to	12:55:28
6		Captain Lopez cc'ing you. Is that correct?	12:55:31
7	A	Yes, ma'am.	12:55:33
8	Q	And then you wrote a response to both of	12:55:33
9		them. Is that correct?	12:55:37
10	A	Yes, ma'am.	12:55:38
11	Q	Okay. What is the ARB?	12:55:38
12	A	It's the Accident Review Board.	12:55:40
13	Q	Okay. And you've been a member of the	12:55:42
14		Accident Review Board. Right?	12:55:47
15	A	Officially, yes, as a safety officer; and	12:55:48
16		then as relief I would attend.	12:55:51
17	Q	Okay.	12:55:51
18	A	Just to participate -- well, not to	12:55:52
19		participate. Really to view -- show them I have	12:55:54
20		interest.	12:55:57
21	Q	Okay. So before you -- let me rephrase	12:55:57
22		that.	12:56:01

2886
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

185

1 So as a Safety Captain I officer, you are 12:56:01
2 a member of the Accident Review Board. Is that 12:56:05
3 correct? 12:56:07

4 A Yes, I would say that's correct. 12:56:07

5 Q Okay. But then before that you would 12:56:09
6 attend sometimes as a relief officer to -- 12:56:11

7 A Show my interest off duty. 12:56:14

8 Q -- show your interest. Okay. 12:56:15

9 And what is the Accident Review Board? 12:56:17

10 A It's a board that's made up of the safety 12:56:26
11 officers. The BC of the safety is chairing it -- 12:56:29
12 supposed to chair it. There are technicians 12:56:31
13 involved in it. You know, current drivers, because 12:56:33
14 when you rate an accident, you want to have a 12:56:37
15 driver that's there that's going to give validity 12:56:40
16 to the classifications. 12:56:43

17 Risk management has a seat. We've had a 12:56:45
18 county police officer come in when they're 12:56:47
19 available. 12:56:49

20 The employee -- I'm trying to think of 12:56:54
21 the word for it. Like the employee representation 12:56:57
22 from different employee groups; meaning I know that 12:56:59

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

186

1	we usually have one come that represents the -- I	12:57:03
2	think they're all invited, like the woman's	12:57:08
3	programs -- I forget what the name of their group	12:57:11
4	is. The Progressives send somebody.	12:57:14
5	So that group is -- meets monthly, and	12:57:18
6	they look at the previous month's accidents.	12:57:21
7	Q Okay.	12:57:23
8	A And we don't do discipline. We look at	12:57:24
9	the pictures; the safety officers go over the	12:57:26
10	accident; everybody reviews that package that we	12:57:30
11	put together, and they classify the accidents by a	12:57:32
12	vote.	12:57:38
13	Q Okay. So it's kind of like an accident	12:57:38
14	classification system?	12:57:41
15	A Yes, ma'am.	12:57:42
16	Q Okay. And these are -- are these	12:57:42
17	accidents that involve fire department apparatus?	12:57:44
18	A Yes.	12:57:46
19	Q Okay. So like if a -- if a fire engine	12:57:48
20	hits a car, you know, while going to or from the	12:57:51
21	station, would that be something that would come	12:57:57
22	before the Accident Review Board?	12:57:59

2888
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

226

1	A	Yes, ma'am.	14:28:55
2	Q	Is that accurate? Okay.	14:28:55
3	A	It didn't end up in that, though.	14:28:56
4		Because we recommended -- and I couldn't tell you	14:29:00
5		if it's BC Wolfrey's decision or it went higher. I	14:29:03
6		would probably say higher. But that's not what it	14:29:08
7		ended up with. So I suggested it.	14:29:12
8	Q	Okay. That's what you recommended.	14:29:14
9		Right?	14:29:15
10	A	Yeah, I recommended it.	14:29:15
11	Q	Okay. So you recommended a written	14:29:16
12		reprimand. Do you know what discipline was	14:29:21
13		actually given?	14:29:25
14	A	No.	14:29:25
15	Q	Okay. Do you know if an oral reprimand	14:29:25
16		was given?	14:29:30
17	A	I know it wasn't a written, so it could	14:29:30
18		have been an oral or none.	14:29:34
19	Q	Okay. And is -- the battalion chief	14:29:36
20		asked for your recommendation, and you gave him the	14:29:45
21		recommendation. The way I understand your	14:29:48
22		testimony is you don't think that that	14:29:49

2889
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

227

1	recommendation was followed.	14:29:51
2	A I'm pretty sure it wasn't.	14:29:52
3	Q Is that because of a need for consistency	14:29:54
4	in how situations like tardiness are handled	14:29:55
5	throughout the operations bureau?	14:29:59
6	A I would say it's more of a -- put it into	14:30:00
7	words for you: It's not a pattern, but it's what	14:30:09
8	we do.	14:30:12
9	Q What do you mean, "what we do"?	14:30:12
10	A I mean, we report infractions to the	14:30:13
11	battalion chief, and a lot of times you don't -- I	14:30:16
12	don't get asked. They could ask, "Hey, what's in	14:30:18
13	the file?"	14:30:22
14	"Well, I've got this in the file."	14:30:25
15	"All right, will give this." So you'll	14:30:27
16	give --	14:30:27
17	Q Okay. But --	14:30:27
18	A -- whatever that is. In this scenario he	14:30:28
19	said, "Well, what are your thoughts?"	14:30:30
20	We had just started to work together.	14:30:32
21	Q Well, he actually asked you for your	14:30:34
22	recommendations. Right?	14:30:35

2890
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

254

1 Q -- about what it is, because we need to 14:51:33
2 be able to rely on this in this case as to what 14:51:35
3 your testimony is. 14:51:38

4 A Well, here's the deal with this. This is 14:51:39
5 2011, and this is a detailed e-mail. So I gave 14:51:39
6 these answers, like I'm answering today, to the 14:51:41
7 best of my recollection. 14:51:43

8 Q I understand that. 14:51:44

9 A So I recalled as I answered in this -- 14:51:47
10 without having -- I don't save my e-mails. So I 14:51:49
11 can't go back and look at this. 14:51:49

12 Q Right. Now, I'm not -- 14:51:49

13 A You just pulled the e-mails, so you can 14:51:52
14 sit here and go, "Well, you said..." 14:51:54

15 I just answered this on the best that I 14:51:56
16 recalled, and I'm trying to tell you what I think 14:51:58
17 would be the most fact for the case. 14:52:02

18 Q Okay. Now this -- but my question is a 14:52:04
19 little bit different. 14:52:05

20 A Okay. 14:52:06

21 Q Okay. So I think your testimony was, 14:52:06
22 we've talked about in this e-mail, Exhibit 215, 14:52:08

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

255

1 that you had -- you had recommended a written 14:52:12

2 reprimand to your battalion chief? 14:52:17

3 A Okay. Right. And I would like to point 14:52:18

4 out, if you go back, I didn't recommend it. My 14:52:19

5 chief said, "Oh, by the way, what is your 14:52:23

6 recommendation?" 14:52:26

7 Q Right. So actually he asked you for your 14:52:26

8 recommendation; you gave it. 14:52:31

9 A Following orders -- following orders. I 14:52:31

10 gave a recommendation, after reflecting. 14:52:33

11 Q Okay. 14:52:33

12 A And I'm telling you it wasn't given -- it 14:52:35

13 wasn't followed. I remember that. 14:52:37

14 Q Okay. Now, I remember you said that 14:52:37

15 earlier. You recommended an oral reprimand, and 14:52:39

16 you said it wasn't given. But I believe earlier 14:52:41

17 you weren't sure if any discipline action was taken 14:52:43

18 at all or not. 14:52:46

19 A Sure. And I think in this, trying to 14:52:47

20 recall it, I said he received an oral. 14:52:49

21 Q Okay. So that's what I'm trying to get 14:52:51

22 to. 14:52:55

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

266

1	guidelines. Wait until I ask --	15:03:49
2	MS. PASCHAL: Works in the same way, just	15:03:49
3	in reverse.	15:03:51
4	THE WITNESS: Just want to make sure.	15:03:51
5	MS. FAULMAN: Before we get started, do	15:03:51
6	you need a break or anything before I get started?	15:03:51
7	THE WITNESS: No, ma'am.	15:03:51
8	MS. FAULMAN: Okay.	15:03:55
9	EXAMINATION BY COUNSEL FOR PLAINTIFFS	15:03:55
10	BY MS. FAULMAN:	15:03:57
11	Q So I want to focus first on the time that	15:03:57
12	you were a Captain I.	15:04:00
13	A Okay.	15:04:01
14	Q Okay? As a Captain I, to you have the	15:04:01
15	authority to assign overtime to off-duty	15:04:03
16	firefighters?	15:04:07
17	A No, ma'am.	15:04:07
18	Q As a Captain I, do you have the authority	15:04:07
19	to approve leave?	15:04:10
20	A No, ma'am.	15:04:13
21	MS. PASCHAL: Objection. Beyond the	15:04:14
22	scope of the 30(b) -- excuse me, beyond the scope	15:04:15

2893
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

267

1	of the direct exam.	15:04:16
2	Q Do you have the authority to set minimum	15:04:17
3	staffing levels?	15:04:19
4	A No.	15:04:20
5	MS. PASCHAL: Same objection.	15:04:20
6	A No, ma'am.	15:04:22
7	Q We talked a little bit about performance	15:04:22
8	appraisals during your deposition. How much time	15:04:24
9	as a Captain I did you spend doing performance	15:04:28
10	appraisals in any given year?	15:04:31
11	A I would say, to break it down, about --	15:04:32
12	it takes me about an hour.	15:04:36
13	Q Okay.	15:04:38
14	A Per employee.	15:04:39
15	Q Per employee?	15:04:40
16	And if you can take a look at -- in front	15:04:41
17	of you there's a document marked Exhibit 202. And	15:04:45
18	it's a performance appraisal for you, just to help	15:04:56
19	you identify it there.	15:04:59
20	A Okay. Thank you.	15:05:00
21	Q As a Captain I, did you perform -- I	15:05:05
22	believe you testified that you performed	15:05:08

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

270

1	Q	Okay.	15:06:50
2	A	Being just a captain. I mean, that's	15:06:50
3		what I have had happen to me.	15:06:52
4	Q	Okay. Now, as a Captain I, how much time	15:06:55
5		per year did you spend doing budget requests?	15:06:59
6		MS. PASCHAL: Objection. Beyond the	15:07:04
7		scope of the direct examination.	15:07:06
8	Q	Did you do any -- did you make any budget	15:07:08
9		requests or wish lists?	15:07:10
10	A	No, ma'am.	15:07:11
11	Q	Can you answer verbally? I'm sorry.	15:07:12
12	A	No, ma'am. Yeah.	15:07:14
13	Q	As a Captain I, how much time each year	15:07:16
14		did you spend reviewing and updating station	15:07:19
15		policies?	15:07:22
16		MS. PASCHAL: Objection. Beyond the	15:07:22
17		scope of the direct examination.	15:07:24
18	A	For the station policies, for the station	15:07:24
19		ones, none.	15:07:30
20	Q	As a Captain I, did you participate in	15:07:30
21		physical fitness activities?	15:07:33
22	A	Yes, ma'am.	15:07:35

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

271

1	Q	How often did you do that?	15:07:35
2	A	Try -- my goal was daily.	15:07:37
3	Q	And how much time were you engaged in	15:07:39
4		physical fitness on each shift?	15:07:43
5	A	By SOPs you're allotted two and a half	15:07:44
6		hours, so I'd say within two to two and a half.	15:07:47
7	Q	And as a Captain I, did you participate	15:07:49
8		in training?	15:07:52
9	A	Yes, ma'am.	15:07:53
10	Q	And did you participate in training with	15:07:53
11		the members of your shift?	15:07:55
12	A	Yes, ma'am.	15:07:56
13	Q	And how much time per shift would you	15:07:57
14		spend participating in training?	15:08:00
15	A	I would say a couple hours out of the 24.	15:08:01
16		I mean -- and why I say that is, is that even if	15:08:08
17		you had a full day of training, the incident	15:08:12
18		responses typically would be. So unless you're out	15:08:16
19		of service, which is not all the time. So I would	15:08:16
20		say PT would be two to two and a half. And I count	15:08:17
21		shower and getting back in that time, too.	15:08:22
22		And training, I would say a good goal	15:08:24

2896
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

274

1 know what I mean? 15:10:26

2 Q Okay. As a Captain I, what would you say 15:10:27

3 is your most -- or was your most important job 15:10:29

4 duty? 15:10:32

5 MS. PASCHAL: Objection. Beyond the 15:10:32

6 scope of the direct examination. 15:10:34

7 A First and foremost, for the citizens I 15:10:35

8 would say running emergency calls. And then I've 15:10:42

9 always thought, you know, the safety of the 15:10:45

10 citizens and -- you know, as a unit officer, 15:10:47

11 whether I was -- or even a driver. Any position in 15:10:51

12 public safety. You know, keep the citizens safe 15:10:53

13 and then our other people safe. 15:10:56

14 So one, I would say emergency calls. 15:10:57

15 Q And as a Captain I, did you go on 15:11:00

16 emergency calls? 15:11:02

17 A Yes, ma'am. 15:11:03

18 Q And were you assigned to a specific 15:11:03

19 apparatus? 15:11:05

20 A I was assigned to an apparatus at 17, 15:11:05

21 which was the engine company, every day. And we 15:11:09

22 talked about it here. 15:11:12

2897
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

275

1 With the 21 I spent a lot of time on the 15:11:16
2 engine and the heavy rescue squad. And I was a 15:11:18
3 relief officer for safety. 15:11:25

4 Q And if whatever apparatus you were 15:11:25
5 assigned to, be it the engine or the -- 15:11:26

6 A Other. 15:11:29

7 Q -- you know, the other, if that apparatus 15:11:30
8 were toned out or dispatched to a call, did you 15:11:34
9 have discretion to not go with the rest of the crew 15:11:40
10 that was assigned to that? 15:11:40

11 MS. PASCHAL: Objection. Beyond the 15:11:40
12 scope of the direct examination. 15:11:42

13 A No discretion. 15:11:42

14 Q And would you end up going -- in any 15:11:44
15 given 24-hour shift, did you go on the same number 15:11:48
16 of calls as your subordinates who were assigned to 15:11:51
17 that same apparatus? 15:11:53

18 MS. PASCHAL: Objection. Beyond the 15:11:55
19 scope of the direct examination. 15:11:56

20 A Yes. And all of us have the same -- the 15:11:56
21 SOP or rules and reg I recall is we have a 15:11:59
22 90-second turnout time. So whatever you're doing, 15:12:02

2898
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

276

1	you have 90 seconds. The expectation is 90 seconds	15:12:05
2	from what you're doing to respond.	15:12:09
3	Q And what if you're doing a performance	15:12:11
4	appraisal?	15:12:14
5	A You've got 90 seconds to try to save it,	15:12:14
6	grab your thumb drive, shut down the computer.	15:12:17
7	Q And if you're doing physical fitness?	15:12:19
8	A Stop and leave.	15:12:20
9	Q And what if you're in the middle of a	15:12:21
10	training session?	15:12:24
11	A Go on the call.	15:12:24
12	Q And when you're actually on a call, what	15:12:26
13	are you doing as a Captain I?	15:12:29
14	MS. PASCHAL: Objection. Vague, and	15:12:33
15	beyond the scope of the direct examination.	15:12:35
16	A Unit dependent. But, you know, you are	15:12:36
17	there to fulfill your role as a unit officer, but	15:12:41
18	also you are there to participate in your crew's	15:12:48
19	assignments. So if a command assigns you to do	15:12:51
20	something, you ensure it gets done. But that also	15:12:56
21	includes, you know, participating with your crew to	15:12:59
22	get it.	15:13:01

2899
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

278

1	actively as a team participating as that goal as a	15:14:00
2	unit to do that assignment, report that we're done	15:14:05
3	and available for another one.	15:14:07
4	Q And as a Captain I or, in your experience	15:14:08
5	as a safety officer, do you know if captains are	15:14:13
6	ever injured on fire scenes?	15:14:15
7	A Yes, ma'am.	15:14:17
8	Q And --	15:14:18
9	A And lieutenants and even -- for the	15:14:19
10	previous question, that's unit officer, lieutenant,	15:14:22
11	and captain, if that makes sense.	15:14:27
12	Q Have you ever been injured as a	15:14:28
13	Captain I?	15:14:32
14	A (No verbal response.)	15:14:34
15	Q I'm sorry, you have to say --	15:14:35
16	A Yes, ma'am. Yes, ma'am. I'm sorry.	15:14:37
17	MS. PASCHAL: Objection. Beyond the	15:14:38
18	scope of the direct examination.	15:14:41
19	Q And could you just, if you don't mind,	15:14:41
20	telling a little bit about that injury.	15:14:42
21	A I believe I was injured twice as a	15:14:44
22	Captain I. The first one I think would be on a	15:14:46

2900
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

279

1	training drill for technical rescue. A lot of our	15:14:49
2	technical rescue drills are -- how can I put it?	15:14:56
3	They are refreshers, we'll call them, but everybody	15:15:03
4	has to do this task. So firefighter through to	15:15:06
5	officer, people that are on duty, off duty come.	15:15:11
6	So this one was you had to go down and	15:15:14
7	rescue somebody from the side of the building on	15:15:16
8	rope, and then you also had to take turns being the	15:15:19
9	victim. And I had kind of gotten properly rescued,	15:15:22
10	and the rope system and the rescuer just kind of	15:15:26
11	strained -- strained my -- or sprain/strained my	15:15:26
12	shoulder.	15:15:26
13	That was one of them.	15:15:33
14	Q And during that training session, were	15:15:33
15	you a Captain I?	15:15:35
16	A Yes, ma'am.	15:15:36
17	Q And did you also participate in being the	15:15:36
18	rescuer?	15:15:40
19	A Yes, ma'am.	15:15:41
20	Q And then what about the other injury that	15:15:41
21	you mentioned?	15:15:43
22	A The other injury would have been -- I got	15:15:43

2901
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

280

1	shocked or electrocuted on an accident injury on a	15:15:50
2	fire.	15:15:54
3	Q And when was that?	15:15:54
4	A I believe it was in March.	15:15:56
5	Q Do you know what year?	15:16:02
6	A That would have been at 21, so I want to	15:16:03
7	say it was '12 or -- it couldn't have been '13. I	15:16:06
8	think it was 2012.	15:16:10
9	Q And did you have to miss any work due to	15:16:11
10	that injury?	15:16:13
11	A I was off a little bit. I had -- I got	15:16:13
12	transported to Fairfax Hospital. They transported	15:16:17
13	me to the burn center. I was there for a day.	15:16:21
14	Q Okay. Now, as a safety officer, do you	15:16:24
15	have the authority to assign overtime to off-duty	15:16:38
16	firefighters?	15:16:42
17	MS. PASCHAL: Objection. Beyond the	15:16:42
18	scope of the direct examination.	15:16:43
19	A No, ma'am.	15:16:44
20	Q Do you have -- and all of these questions	15:16:44
21	now are going to pertain to your time as a safety	15:16:47
22	officer.	15:16:51

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

282

1	spend preparing budget requests?	15:17:37
2	MS. PASCHAL: Objection. Beyond the	15:17:41
3	scope of the direct examination.	15:17:42
4	A None.	15:17:44
5	Q Do you submit any budget requests as a	15:17:44
6	safety officer?	15:17:48
7	A No.	15:17:49
8	Q As the safety officer, do you update	15:17:50
9	station policies?	15:17:55
10	MS. PASCHAL: Objection. Beyond the	15:17:56
11	scope of the direct examination.	15:17:58
12	A No, ma'am.	15:17:59
13	Q As a safety officer, are you required to	15:17:59
14	engage in physical fitness?	15:18:04
15	A Yes, ma'am.	15:18:05
16	Q And is that the same amount of physical	15:18:06
17	fitness as when you were a Captain I?	15:18:09
18	A Yeah. It's over -- SOP for everybody.	15:18:11
19	Q So regardless of whether you're	15:18:14
20	functioning as a safety officer or a Captain I, the	15:18:17
21	same amount of hours apply?	15:18:19
22	A Yes, ma'am.	15:18:21

2903
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

283

1 Q And how much time do you spend engaged in 15:18:21
2 physical fitness each shift? 15:18:27

3 A Same. My goal is the same. 15:18:28

4 Q And you also have discussed different 15:18:30
5 types of training. Do you also attend training as 15:18:32
6 a safety officer? 15:18:35

7 A Yes. 15:18:36

8 Q And do you participate in that training? 15:18:36

9 A Yes, ma'am. 15:18:38

10 Q And how much time per shift, in a 24-hour 15:18:38
11 shift, do you participate in training? 15:18:46

12 A I would have to say probably two hours 15:18:48
13 would be still good as a safety. I'll check the 15:18:51
14 master calendar, and I know I can't make everything 15:18:53
15 because -- imagine that two-hour goal. So in my 15:18:57
16 area that I have, I'll try to pick out a training, 15:19:00
17 or go to half a one and half another so I 15:19:03
18 participate in both. 15:19:06

19 But I would say, depending on how many 15:19:07
20 calls we run or if there's somebody hurt or an 15:19:09
21 accident, two hours would be a good general. 15:19:11

22 Q And are you often leading the training as 15:19:14

2904
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

286

1	explain that right for you guys?	15:21:14
2	Q Uh-huh.	15:21:14
3	A So they had that training. And then now	15:21:16
4	to build upon that training they are actually doing	15:21:18
5	a PowerPoint by station, one, so I don't think that	15:21:22
6	it impacted it much.	15:21:28
7	Q Okay. As a safety officer, do you --	15:21:29
8	have you ever reported a disciplinary infraction?	15:21:32
9	MS. PASCHAL: Objection. Leading.	15:21:36
10	A No, I have not -- currently. But it's	15:21:38
11	kind of out of my scope, being out of that.	15:21:45
12	Q So you --	15:21:48
13	A Out of operations, just to be specific.	15:21:50
14	Being in health and safety but out of that. That's	15:21:52
15	the other captains -- every station that has a	15:21:56
16	safety officer, there's a Captain I that that's his	15:22:03
17	shift.	15:22:05
18	Q And so as a Captain I, is it or is it not	15:22:05
19	your duty to report disciplinary infractions?	15:22:09
20	A It's everybody's. So, I mean, I wouldn't	15:22:11
21	report it -- when I answered the question, I said I	15:22:14
22	wouldn't report it to his chief. You know what I	15:22:17

2905
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

287

1 mean? I would not report it for discipline, no. 15:22:22

2 Q Okay. And as a safety officer, what is 15:22:24

3 your most important job duty? 15:22:28

4 A Being the advocate for health and safety 15:22:29

5 on emergency incidents. And equal to that I would 15:22:32

6 say being there for our people that get exposed to 15:22:36

7 infectious diseases. That we're there to take them 15:22:44

8 through the process. 15:22:46

9 Q And what do you mean by "advocate for 15:22:47

10 health and safety"? 15:22:50

11 A Well, I mean by going to the fires, you 15:22:50

12 know, we work for the incident commander at 15:22:53

13 whatever rank. Like I said, it could run from 15:22:56

14 lieutenant up to, you know, the deputy chief to the 15:22:59

15 fire chief. 15:23:02

16 So we're going around the scene, just 15:23:03

17 making sure everybody is safe, making sure 15:23:05

18 everybody is wearing the right gear. If the 15:23:07

19 conditions change and we need to get them out, you 15:23:10

20 know, we get them out. 15:23:13

21 Q And as a safety officer, when you're on a 15:23:14

22 fire scene do you ever see other Captain I's or 15:23:17

2906
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

288

1	Captain II's on the fire scene?	15:23:21
2	A Sure. I see everybody.	15:23:22
3	Q And what types of activities are they	15:23:24
4	engaging in?	15:23:27
5	MS. PASCHAL: Objection. Beyond the	15:23:29
6	scope of the direct examination.	15:23:31
7	A The same stuff I did when I was a	15:23:32
8	captain. You know, participating with their crew	15:23:34
9	to get that goal, their assignment done. Whatever	15:23:39
10	they're assigned to by command.	15:23:41
11	Q And you also mentioned, as one of your	15:23:43
12	job duties for a safety officer was with regard to	15:23:46
13	infectious diseases?	15:23:50
14	A Yeah.	15:23:51
15	Q And what did you mean by that?	15:23:52
16	A For infectious disease, if one of our	15:23:53
17	providers, or even the citizens, like I	15:23:57
18	mentioned -- excuse me, citizen, good samaritan, if	15:24:00
19	they do CPR it's reported to us and we take action:	15:24:00
20	Get information, report it to infectious disease	15:24:05
21	physicians - the health department for civilians -	15:24:09
22	and we go all the way through to ensure that the --	15:24:12

2907
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

289

1 under the Ryan White law, we have to work with the 15:24:15
2 facilities to allow them -- to realize that we have 15:24:18
3 the right to have them draw the patient's blood. 15:24:21

4 We wait for that to be -- the results to 15:24:23
5 come back, and then we're the ones that would 15:24:26
6 give proactive -- I say proactive. Prophylactic 15:24:29
7 medicine to combat anything. 15:24:33

8 And then we also would get them to the 15:24:35
9 right place. We get the medicines for them. We go 15:24:38
10 to the pharmacy. 15:24:41

11 Q And is that both for civilians and for 15:24:41
12 uniformed personnel? 15:24:44

13 A That service is for uniform. Once we 15:24:46
14 report and secure the blood for testing from the 15:24:48
15 hospital, we hand it over to the Fairfax County 15:24:53
16 Health Department. 15:24:56

17 Q So in your job as safety officer, have 15:24:56
18 you ever known either a Captain I or a Captain II 15:24:58
19 to perform CPR? 15:25:01

20 MS. PASCHAL: Objection. Foundation. 15:25:04
21 Also beyond the scope of the direct examination. 15:25:07

22 THE WITNESS: I apologize. 15:25:09

2908
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

290

1	A	Yes.	15:25:10
2	Q	And what -- you mentioned what you do as	15:25:10
3		a safety officer on a fire scene. Do you -- are	15:25:15
4		you also required to respond to emergency scenes?	15:25:18
5	A	Yeah. I mean, I can really respond to	15:25:22
6		whatever they need. But when you mean "emergency	15:25:24
7		scene," you mean EMS, like medical?	15:25:26
8	Q	Exactly.	15:25:28
9	A	I have, yeah.	15:25:29
10	Q	Do you know what type of calls you're	15:25:30
11		dispatched to as a safety officer?	15:25:33
12	A	Yeah.	15:25:34
13	Q	And what are those?	15:25:35
14	A	Like I said, the fire calls, the hazmat,	15:25:36
15		TROT, gas leaks, accident with injuries, CO leaks,	15:25:38
16		fuel spills. But I also carry a full -- I have an	15:25:47
17		AED, I have an A bag, I have oxygen. I'm the EMT.	15:25:50
18		So, I mean, if I'm out and around doing	15:25:55
19		station visits or coming from a call, going to	15:25:57
20		wherever, and I'm the closest unit to a CPR, to	15:25:59
21		somebody having fell off their bike, I mean, it	15:26:06
22		wouldn't be very good if I didn't add on to that	15:26:10

2909
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

291

1	call.	15:26:13
2	Q When you add on, would that be recorded	15:26:13
3	in the CAD system?	15:26:15
4	A Should be. Yeah. Have to be.	15:26:16
5	Q And what are you doing as a safety	15:26:20
6	officer at, for instances, an accident-with-injury	15:26:23
7	scene?	15:26:25
8	MS. PASCHAL: Objection to form. And	15:26:26
9	also beyond the scope of the direct examination.	15:26:28
10	A I would -- you know, depends --	15:26:31
11	MS. FAULMAN: And, actually, you asked	15:26:31
12	him questions about what he's dispatched to as a	15:26:32
13	safety officer, so it's not beyond the scope of the	15:26:35
14	direct examination.	15:26:37
15	MS. PASCHAL: Well, I'm still making my	15:26:37
16	objection for the record. I think you're going	15:26:38
17	into a level of detail that was not -- I didn't	15:26:39
18	open the door to. But it's my objection for the	15:26:41
19	record.	15:26:44
20	Q You can answer.	15:26:45
21	A All right. Your...	15:26:46
22	Q What types of things are you doing in	15:26:47

2910
VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

292

1	your role as a safety officer at an actual	15:26:49
2	accident?	15:26:54
3	A Oh, at an accident-injury scene?	15:26:54
4	Q Uh-huh.	15:26:59
5	A Again, it depends when you arrive.	15:27:00
6	Q Can you elaborate for me?	15:27:03
7	A Sure. If -- like on that -- if I add on	15:27:03
8	to that medical call and nobody else is there, then	15:27:04
9	I have to do my EMT functions.	15:27:06
10	So if it's CPR, I'd have to start CPR.	15:27:10
11	If I arrive first, which happens -- if I'm out in a	15:27:15
12	station or units are at a station, I might get	15:27:17
13	there first. So if I get there first, I'm going to	15:27:20
14	have to try to block the scene with my car and do	15:27:23
15	the same work that I would do if I was the first	15:27:25
16	unit there. But it would only be one of me.	15:27:28
17	Meaning call for the right resources, give a	15:27:31
18	report, handle anything that would be there. I	15:27:33
19	would be just a regular firefighter on that scene.	15:27:36
20	As units came in or if I arrived as units	15:27:38
21	got there, my role would be 360 degree, making sure	15:27:41
22	the patient was covered up for any glass or	15:27:46

VIDEOTAPED DEPOSITION OF MICHAEL B. DAVIS
CONDUCTED ON MONDAY, JUNE 2, 2014

293

1 hazards, there was a protective line, no fuel leak, 15:27:50
2 people were in proper gear, make sure they have 15:27:53
3 universal precautions. That would be kind of my 15:27:57
4 role. 15:28:00

5 Q You talked a little bit during your 15:28:00
6 deposition about USAR. Is that what it is, Urban 15:28:08
7 Search & Rescue? 15:28:14

8 A Yes, ma'am. 15:28:14

9 Q And you may have mentioned this, but -- 15:28:14
10 and so if you did, I apologize. But were you paid 15:28:15
11 by Fairfax Fire Department during the time you were 15:28:18
12 working for Urban Search & Rescue? 15:28:20

13 A My paycheck came from there, yes. But I 15:28:23
14 believe, through cooperative agreements, that my 15:28:28
15 pay and whoever back fills any position on that 15:28:31
16 team, not just me, from firefighter, lieutenant, up 15:28:34
17 through chiefs that we have on the team, it's -- 15:28:37
18 our pay for working and our backfill pay. 15:28:40

19 So I think it's a payment by the county 15:28:44
20 that is reimbursed from the cooperating agency, 15:28:48
21 FEMA or USAID. 15:28:52

22 Q And when you are doing Urban Search & 15:28:54

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civil Action No.:
vs. : 1:14cv5
COUNTY OF FAIRFAX, VA., : Judge Hilton
Defendant. : Magistrate Judge
-----x Anderson

30(b)(6) DEPOSITION OF GARRETT L. DYER

McLean, Virginia

Thursday, May 22, 2014

9:58 a.m.

CONTAINS CONFIDENTIAL MATERIAL

Job No.: 1-248582

Pages: 1 - 126

Reported by: Elizabeth Mingione, RPR

1 based on their particular position. From a parity
2 perspective you have one Captain II and two Captain Is
3 per shift. And the Captain II obviously oversees the
4 two Captain Is on their particular shift to address
5 any issues administratively and performance wise that
6 they may see or may come up as it relates to the two
7 Captain Is.

8 Q. Okay. I was just asking about the Captain
9 I, and I think you said that they have the same job
10 duties as each other, whether they are assigned to
11 station 15 or 35?

12 A. Operationally speaking.

13 Q. Okay. And within the stations when -- what
14 do you mean operationally speaking? What's your
15 caveat there?

16 A. Operationally speaking means when they
17 respond to an emergency, and they arrive on an
18 incident scene, and once they report to command,
19 obviously they became part of that command staff. And
20 as a result of that, their duties on that fire ground
21 or other incident scene is the same. Yes.

22 Q. And so how are their duties, if at all,

1 A. You -- in comparison. Yes.

2 Q. To each other?

3 A. Are we talking about the Captain Is, the
4 two Captain Is?

5 Q. The two Captain Is, well, there's more than
6 two. There's six, right?

7 A. Yes.

8 Q. There's three assigned to station 15 and
9 there's three assigned to station 35, correct?

10 A. Okay. So if I understand your question,
11 you are talking about the same --

12 Q. Is that correct?

13 MS. PASCHAL: Would you let him clarify.
14 He's trying to find out what you want.

15 BY MS. ELKIN:

16 Q. No. I understand you can question, but I
17 want to just answer this question first. You would
18 agree that there are six Captain Is based on the fact
19 that there are three at station 15 and three at 35,
20 one on each shift, correct?

21 A. There are six Captain Is.

22 Q. Okay. And there's one on each shift?

1 A. Two per shift. There's six.

2 Q. I'm sorry. There's one at each station?

3 A. Yes.

4 Q. On each shift, correct?

5 A. Yes.

6 Q. All right. So would you agree that those
7 Captain Is have the same job duties no matter whether
8 they are assigned to A shift, B shift or C shift, and
9 no matter whether they are assigned to station 15 or
10 station 35?

11 A. They have the same job duties. Yes.

12 Q. Okay. And would you agree that they have
13 the same job responsibility -- I'm sorry, the same
14 authority as each other?

15 MS. PASCHAL: Objection to form.

16 A. Yes. They would have the same authority
17 with respect to how they address issues on the fire
18 ground. Yes.

19 Q. Okay. Are the safety officer Captain Is
20 the only personnel within your division -- or bureau,
21 I guess it's called?

22 A. Bureau.

1 Q. Bureau that are assigned to 24-hour shifts?

2 A. They are at this point. Yes.

3 Q. Okay. What about you?

4 A. I'm not assigned to a 24-hour shift.

5 Q. And is the Business Services Bureau
6 Assistant Chief Burke assigned to a 24-hour shift, if
7 you know?

8 A. He is not.

9 Q. So the only -- and neither is Chief
10 Caussin. You all at the assistant chief level are
11 40-hour employees, correct?

12 A. Yes.

13 Q. All right. So then is it fair to say that
14 the battalion chief -- is there still a battalion
15 chief assigned to the safety section?

16 A. Yes, there is.

17 Q. Does that battalion chief work a 40-hour
18 job?

19 A. 40-hour job.

20 Q. All right. And when did they -- when did
21 you bring on the Captain IIs into the safety section?

22 A. The Captain IIs position was announced in

1 have to go through in order to be eligible to take a
2 Captain I safety officer position?

3 A. No. That's it specifically. And obviously
4 there's additional professional development training
5 that they go through to broaden their education about
6 health and safety.

7 Q. And just like the other captain, the
8 Captain I safety officers have the same fitness
9 requirement. They are supposed to do an hour a day on
10 duty, correct?

11 A. Yes. They are supposed to do PT on duty.

12 Q. And what about training in the station? Do
13 the Captain I shift officers participate in the daily
14 station training that Chief Caussin was talking about
15 or the daily street -- whatever the two hours --
16 two-hour goal of the station training; do the Captain
17 I safety officers participate in that at the station?

18 A. They participate in some, as designated by
19 the unit officers, if you will, as standard
20 operations. If in fact they set up a particular
21 training, meaning an operational Captain I out there
22 in field that requires a participation of the safety

1 A. They obviously have all their equipment and
2 protective equipment within their buggy, so --

3 Q. Within their?

4 A. Buggy, their safety truck.

5 Q. Okay.

6 A. Buggy, safety truck, SUV.

7 Q. Okay.

8 A. So they obviously respond in their normal
9 uniform attire, as would a engine driver or truck
10 driver, because they can't obviously drive with all
11 their fire-fighting ensemble on. So once they get to
12 the scene of an event, depending on what the event
13 type is, then they are responsible for donning their
14 protective equipment being their boots, their PPE
15 which is their fire pants, their fire coat, their
16 SCBA, their helmet, their PBI and/or Nomex hood and
17 report to the incident command post if in fact that
18 has been set up already.

19 If not, obviously they will begin
20 evaluating the scene.

21 Q. And what is the difference between what
22 they are doing in terms of evaluating the scene, the

1 safety officers, and what the other captains or
2 lieutenants first arriving would do in terms of
3 evaluating the scene?

4 A. Well, everybody's conducting the
5 risk-benefit analysis, if you will. And every
6 position or every unit that arrives on the scene have
7 a functional responsibility of doing something, you
8 know, with respect to the piece of apparatus in which
9 they are driving on that day or when they arrive on
10 the incident scene.

11 So while a engine officer or truck officer
12 may have functional responsibilities, this is what
13 they are thinking when they arrive on that particular
14 scene. The safety officer's view is much larger in
15 scope because they are evaluating multiple things in
16 that they are looking at the entire scene from
17 apparatus positioning to any hazards that may be
18 recognizable on the particular scene.

19 They carry obviously monitors on them as
20 well to determine whether or not there's gas leaks.
21 You know they are looking at any type of structural
22 issues that may be pertinent to the incident commander

1 or the firefighters' health and safety on the event.
2 So again it depends on the event type in which they
3 respond to their scope of what they are doing from a
4 safety perspective is much broader.

5 Q. Okay.

6 A. Although everybody's responsible for
7 safety, if you will, their primary function is to view
8 that so that they can report back to the incident
9 commander.

10 Q. Okay. Are they ever called upon to -- when
11 they are evaluating the safety and doing the overall
12 view of the scene -- to throw ladders or pull hose or
13 anything like that?

14 A. No, they are not.

15 MS. PASCHAL: Objection to form.

16 Q. Okay. So what is -- what's an IDLH?

17 A. It's an acronym for immediately dangerous
18 to life and health.

19 Q. And does the safety officer have any job
20 responsibilities with respect to something that -- do
21 they designate something as IDLH or how does that
22 work?

1 are commanding a fire scene?

2 A. Well, if you want --

3 Q. Or an emergency scene?

4 A. Well, it's really the development of within
5 the incident command system. You have command and
6 general staff, if you will, in that organizational
7 setup. And within that organizational setup, you have
8 the incident commander and folks that report to the
9 incident commander directly is considered to be
10 command staff.

11 Q. Okay.

12 A. Those other components would be such
13 positions as PIO, if in fact they are on the scene;
14 they report directly to the incident commander, and
15 the safety officer report directly to the incident
16 commander.

17 Q. And the incident commander as I believe was
18 discussed yesterday -- I am sorry, yes, the incident
19 commander could be a lieutenant if the lieutenant is
20 the first officer in charge arriving on the scene, or
21 is the second even who takes command of the scene. Is
22 that correct?

1 MS. PASCHAL: Objection to form.

2 A. It could be if in fact they arrive first,
3 or if they arrive in the capacity of a Captain I or a
4 Captain II on that particular day.

5 Q. Okay. What kind of tools does a safety
6 officer use on this job?

7 A. Tools.

8 Q. Yes. Or equipment?

9 A. They have gas meters and monitors. They
10 have RAD, which is the monitors and meters to test
11 radioactivity. I think, well, they are all air
12 sampling monitors, if you will.

13 They carry specific things for highway
14 safety, if you will. They carry extra supplies if in
15 fact they have to replace something for someone on the
16 fire ground. They may have extra stuff within their
17 buggy, but I would have to get a list --

18 Q. Okay.

19 A. -- for you of other things that may be
20 located on that particular buggy.

21 Q. Do they go lights and sirens to an event
22 that --

1 may have happened on a particular event, things that
2 went well, things that didn't.

3 Obviously the safety officers would also be
4 a part of that, those discussions and those meetings.

5 Q. Wouldn't the crew also be part of those
6 meetings?

7 A. Depending.

8 Q. But they could be?

9 A. They very well could be.

10 Q. And when I'm talking about the crew, I am
11 talking about the lieutenants and firefighters who
12 were on the scene or could learn something from a
13 meeting like that?

14 A. Yes.

15 Q. Okay. The safety officers do not have any
16 direct reports, correct?

17 A. The safety officer Captain Is --

18 Q. Captain I?

19 A. -- do not have any direct reports.

20 Q. So you would agree they do not perform
21 performance evaluations for anybody, correct?

22 MS. PASCHAL: Objection to form.

1 A. Correct. They do not perform performance
2 evaluations because they have no direct reports.

3 Q. Right. Would you agree that the safety
4 officer Captain Is do not have the authority to hire
5 or fire other personnel?

6 MS. PASCHAL: Objection to form.

7 A. They don't have any authority to hire or
8 fire personnel, no. Obviously they have input in
9 discussion with regards to performance on fire grounds
10 or other incident scenes with their higher authority,
11 either battalion chiefs or deputy chiefs, if you will.

12 Q. And would their input be what they saw in
13 terms of how that firefighter was following good
14 safety practices or not following good safety
15 practices? Is that what you are referring to?

16 A. Yes. And obviously that would be
17 reflective of any type of back-step critique or tail
18 board critique, if you will, in which they are a part
19 of that critique that happens after most incidents.

20 Q. Okay. Now, for purposes of hiring they
21 wouldn't be sitting in on any kind of meeting to
22 discuss whether to hire someone because obviously the

1 discussed, but the deputy chief is aware of all things
2 as purchased within their division.

3 Q. Okay.

4 MS. PASCHAL: Molly, I need to take a quick
5 break.

6 MS. ELKIN: Okay.

7 - - -

8 (Recessed at 11:09 a.m.)

9 (Reconvened at 11:21 a.m.)

10 - - -

11 BY MS. ELKIN:

12 Q. Chief, is there anything about your earlier
13 testimony that you want to change?

14 A. No.

15 Q. Okay. Like the Captain I shift
16 supervisors, Captain II station commanders, when the
17 Captain I safety officers are not responding to calls
18 and doing safety activities in the field or doing
19 training at some location, is it your expectation that
20 the Captain I safety officers remain in an alert,
21 ready state back at station 35 or 15?

22 MS. PASCHAL: Objection to form.

1 A. An alert, well, they are expected to remain
2 in an alert steady state at all times, not so much at
3 the particular station because they have a wide area
4 of coverage. This is where they are, you know, that
5 particular where the officer's housed outside of the
6 Massey building, which is headquarters, but they have
7 a wide area of coverage in which they need to address.

8 Q. Do they spend a lot of time in their SUVs,
9 the safety officers?

10 A. What do you mean by a lot of time in the
11 SUV?

12 Q. Well, do you know if they spend more time
13 sort of in the SUVs, because they do have a wider
14 range to cover than just a normal shift supervisor,
15 right? I mean they --

16 MS. PASCHAL: Objection to form.

17 Q. They can go to any -- there's only two of
18 them on duty at once, right?

19 A. Three.

20 Q. Three, now that there's a Captain II?

21 A. Yes.

22 Q. So now there's -- up until a month ago

1 A. Property damage to citizens' property,
2 property damage, i.e., a vehicle runs in someone's
3 driveway and runs in their lawn and damages their lawn
4 or hits a vehicle or hits them on the property.

5 Q. Stopping you right there. Again the
6 vehicle you are talking about is a fire department
7 vehicle damages somebody's property or damages --

8 A. Yes.

9 Q. Okay. Sorry. Keep going.

10 A. Okay. Personal injuries, be it civilian
11 injuries and/or uniform injuries, uniformed personnel
12 injuries.

13 Q. Okay. Other than investigations into those
14 types of accidents or injuries, and other than
15 responding to calls for purposes of safety analysis,
16 job duties that you have already described, is there
17 anything else that the Captain I safety officers do?

18 A. They are responsible for inspections. They
19 inspect facilities for safety-related issues. They
20 inspect Fire and Rescue Department vehicles, if in
21 fact there's any safety concerns associated with that
22 particular vehicle. They inspect certain tools and

1 equipment.

2 If there was some accident and/or injury or
3 some concern with a particular piece of equipment,
4 their office is responsible for being a part of that
5 evaluation process. And they inspect personal and
6 protective equipment from other firefighters. Then
7 they have an idea they may have suffered some type of
8 structure damage to their equipment or other damage to
9 their equipment. And the safety officer's responsible
10 for inspecting that PP, their personal protective
11 equipment to ensure it's either, one, need to be taken
12 out of service or, two, that it could be -- could
13 continued to be used.

14 Q. Could be what?

15 A. Continued to be used.

16 Q. Okay. Other than investigations,
17 inspection, training you have already discussed,
18 responding to calls, any other sort of job duties that
19 come to mind for safety officer Captain Is?

20 A. Yeah. They participate on the accident
21 review board.

22 Q. And what is that?

1 correct?

2 A. A shift leader is usually assigned to a
3 shift with respect to a fire station.

4 Q. And you would agree that a Captain I safety
5 officer is not a shift leader, correct?

6 MS. PASCHAL: Objection to form.

7 A. Well, see, they are not assigned to a
8 particular shift at a particular station.

9 Q. And they are not a shift leader. They are
10 not a shift supervisor, correct?

11 A. They are not a shift supervisor, not that
12 you know --

13 Q. And the Captain I safety officers are not a
14 station commander, correct?

15 A. Pardon?

16 Q. They are not station commanders?

17 A. Only a Captain II is a station commander.

18 Q. Okay. So you would agree then that Captain
19 I safety officers are not station commanders?

20 A. By virtue of their rank, they are not
21 station commanders.

22 Q. Okay. Would anybody, if there was another

1 shift for station 15 or 35?

2 MS. PASCHAL: Objection to form.

3 A. More than likely they would not issue
4 discipline directly, but they will be a part of the
5 process.

6 Q. All right. Let me show you another
7 document, and we'll mark it as 47.

8 - - -

9 (A document was marked as Deposition
10 Exhibit Number 47.)

11 - - -

12 BY MS. ELKIN:

13 Q. All right. We are going to try to use the
14 document I just gave you, but it printed out without
15 any numbers on the side, which might make it a little
16 difficult.

17 MS. REWARI: It's a spreadsheet.

18 Ms. ELKIN: If you create a column, it
19 apparently does.

20 MS. REWARI: But the way it was provided it
21 didn't have a number column, did it?

22 MS. ELKIN: Yes, there are 1,778 entries.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civil Action No.:
vs. : 1:14cv5
COUNTY OF FAIRFAX, VA., : Judge Hilton
Defendant. : Magistrate Judge
-----x Anderson

30(b)(6) DEPOSITION OF TONI GARCIA

McLean, Virginia

Wednesday, May 14, 2014

2:23 p.m.

CONFIDENTIAL TESTIMONY REDACTED

Job No.: 248558

Pages: 1 - 199

Reported by: Elizabeth Mingione, RPR

1 Q. And the earlier witness, well, let me --
2 there might be some overlap on the shifts and
3 schedules and that kind of thing and assignments with
4 you and the earlier witness.

5 Would you agree that the captains who work
6 the 24-hour shifts in the fire department are only
7 Captain I suppression shift supervisors, Captain I
8 safety officer, Captain II EMS supervisor and Captain
9 II station commander?

10 A. Yes.

11 MS. PASCHAL: Objection to form.

12 Q. Okay. So you would agree that there's no
13 other captains in the fire department who work those
14 24-hour schedules?

15 MS. PASCHAL: Objection to form.

16 A. No, I don't agree.

17 Q Okay. Who else would work a 24-hour --

18 A. Apologize. Yes, I do agree. I do agree.
19 I was thinking of something else.

20 Q. Okay. I mean there are other Captain Is
21 who might be assigned to inspections or fire marshals
22 or investigations, correct?

1 A. Correct.

2 Q. Or Captain IIs?

3 A. Correct.

4 Q. But they are going to be on a different --

5 A. Work.

6 Q. -- work schedule, correct?

7 A. Correct.

8 Q. All right. And you would agree that the
9 Captain Is and IIs in this case are all assigned to
10 either an A shift, a B shift or a C shift?

11 A. In the example you gave, yes.

12 Q. What do you mean the example I gave?

13 A. The ones that are in the field.

14 Q. Right. The ones in this case that we've --

15 A. Correct.

16 Q. Those four categories of captains --

17 A. Correct.

18 Q. -- are all assigned to an A shift, a B
19 shift or a C shift?

20 A. Correct.

21 Q. And you would also agree that lieutenants
22 are also assigned to the exact same A shift, B shift

1 there?

2 A. I believe it's the 38.

3 Q. One for each station?

4 A. One for each station.

5 Q. And how many Captain I shift supervisors

6 are there?

7 A. You multiply the 2 by the 38.

8 Q. So?

9 A. What is that?

10 Q. 76?

11 A. Yes.

12 Q. Okay. Do you know how many lieutenants

13 there are?

14 A. No. Not off the top of my head, I don't.

15 Q. Lieutenants assigned to Operations is what

16 I was --

17 A. I understand the question. I don't know

18 off the top of my head.

19 Q. Would you agree that since at least January

20 of 2011 all of the captains in this case that were

21 assigned to one of the captain positions in this case,

22 there are -- no matter their rank, Captain I or

1 Captain II, they worked a regular and recurring
2 schedule of 24 hours on duty, followed by 24 duties
3 off, followed by 24 hours on, followed by 24 hours
4 off, don't look at my fingers; I'm getting them all
5 messed up; followed by 24 hours on and then a 96-hour
6 days off.

7 MS. PASCHAL: Objection to form.

8 A. Is the four-day break?

9 Q. Yes.

10 A. Yes.

11 Q. Okay. And you would agree that this
12 results in the captains regularly working a schedule
13 of either 216 hours every 28 days or 240 hours every
14 28 days?

15 A. Yeah. I think, actually, and again I would
16 have to figure the math again, but they work either
17 nine days a month, eleven days a month or nine, ten or
18 eleven days a month.

19 Q. Okay.

20 A. So, you know, multiply that by the 24-hour
21 shift and that's what they would work.

22 Q. So if another witness said, yes, they work

1 testing knowledge.

2 Q. Okay. So a fire -- so F20 would be a fire
3 technician who has --

4 A. A master designation.

5 Q. Okay.

6 A. They are typically called master
7 technicians.

8 Q. Okay. And then --

9 A. But it's not in itself considered a rank.

10 Q. Okay. F21?

11 A. That might be the -- the apparatus
12 supervisor. Again, not 24-hour shifts employee.

13 Q. So that it would be the supervisor of those
14 F17s?

15 A. Correct.

16 Q. And then F22, is that a lieutenant?

17 A. Yes.

18 Q. And F23?

19 A. No rank.

20 Q. What is it? It's just nothing? Nobody's
21 in that spot?

22 A. No.

1 Q. And what do you -- is an F24, nobody's in
2 that either, right?

3 A. No.

4 Q. And then F25 is a Captain I?

5 A. Yes.

6 Q. F26, no rank?

7 A. No.

8 Q. F27 and Captain II?

9 A. Correct.

10 Q. What's an F29?

11 A. Is a battalion chief.

12 Q. F31?

13 A. Trying to, oh, F31 I believe is the deputy
14 chief.

15 Q. F33 it looks like?

16 A. Yes. Assistant chief.

17 Q. And then the fire chief? Whoops, he's not
18 on here.

19 A. No.

20 Q. Is he an F?

21 A. He's an E scale, executive.

22 Q. Okay. And your testimony would be the same

1 for each year of this, the pay plans set forth in
2 Exhibit 12?

3 A. Yes.

4 Q. Okay. Who prepares the performance
5 evaluations for Captain Is?

6 A. The battalion chief.

7 Q. And would the battalion chiefs also prepare
8 the performance evaluations for Captain IIs?

9 A. Yes. They are -- the Captain Is and
10 Captain IIs directly report to the battalion chief.

11 Q. And do the Captain Is perform the
12 performance evaluations for the lieutenants?

13 A. Yes.

14 Q. Can a battalion chief also prepare the
15 performance evaluation for a lieutenant or would he be
16 the reviewer?

17 A. He would be the reviewer.

18 Q. And I think you said already that the
19 lieutenants can prepare the performance evaluations
20 for the firefighters?

21 A. Um-hmm. And the fire technicians.

22 Q. So the lieutenants, going back to Exhibit

1 A. Fire chief. Fire chief I believe has to
2 approve everything, and then it goes to the county. I
3 think it's an on-line form for all of them.

4 Q. Okay. All right. Tell me about the
5 promotional process generally.

6 How does a promotion become available to
7 somebody wanting to become a lieutenant, for example?
8 What happens?

9 MS. PASCHAL: Objection to form.

10 A. When -- can you -- could you define
11 promotional process?

12 Q. Well, I don't -- I guess how does somebody
13 go from what we were talking about like an F18 up to
14 an F21 or F22?

15 A. Okay. So say if the firefighter, the F18
16 to an F22, they would have to have required
17 certifications, required time and grade per the class
18 spec. All that is per class spec. It's all listed in
19 there under employment standards as well as
20 certifications and licenses.

21 And they would have to apply for a
22 promotional exam to participate in a promotional exam,

1 take the exam, and be placed on the eligible list.

2 Q. Okay.

3 A. And if they are on the eligible list, then
4 the list is ranked one through whatever and Operations
5 goes down the list, you know, one, two, three, four,
6 five, six, seven, eight, because it's primarily --
7 it's the majority of the promotions and whatever are
8 probably going to be out of Operations because that's
9 where a majority of our people are, but we also have
10 staff positions available.

11 And for a staff position, you have to be at
12 least on the eligible list to participate in
13 interviewing at the higher level one staff positions,
14 if you want to be a lieutenant, say, in training. And
15 so if you are on that eligible list, it doesn't matter
16 where you are on that eligible list.

17 If you interview and you are selected for
18 that position in staff, then you could be number 40 --

19 Q. Go on.

20 A. -- and on down number 5, and you could go
21 into training. Now, there's some things that have
22 taken place over the last couple of years, some of our

1 captains and lieutenants in the field were tasked with
2 and they developed a great tool for lieutenants, new
3 probationary -- or newly promoted to lieutenants, but
4 really the goal is to have them start working on this.

5 It's a lieutenant task book.

6 So they have mapped out like ten, ten and
7 ten. They have to arrive certain positions, ten, ten
8 and ten for a newly promoted -- or, sorry, I keep
9 saying newly promoted -- people that are in a
10 promotable range on a lieutenant's list. It's the
11 first-level supervision. It's the first time you are
12 an officer, so they put more effort into it. And the
13 folks in the field are the ones that did that, put
14 that together.

15 So a standard operating procedure has been
16 developed for that. They have to complete that.
17 They can get promoted, but still have to complete that
18 task book. Same thing if you are promoted in the
19 office before you have completed that task book, you
20 need to still complete the task book.

21 Q. Okay. Going back, is there first for a
22 lieutenant position, is there an announcement out that

1 there's going to be an exam? Is that what happens
2 first when there's --

3 A. Yeah. Everybody that's -- since the
4 promotional eligible lists are posted on line for
5 everyone to see, as well as when people are promoted
6 from them, everybody can see when people are promoted,
7 the dates they were promoted. So everybody knows
8 about when that exam is going to come out.

9 And per our standard operating procedure,
10 we provide a six-months advance notice unless there's
11 going to be a special exam. So, yes, we post an IB
12 that will -- one, you'll first see an IB that goes
13 out, says we are looking for a committee to develop a
14 lieutenant's exam, let's say.

15 And the next one you are going to see is
16 after the committee's been selected, you'll maybe see
17 a bibliography go out if it's necessary. But six
18 months in advance in that bibliography one, the dates
19 of the exam will be defined and we'll be given those
20 so the people can plan ahead. And so, yes, it's about
21 a six-month advance notice.

22 Q. And then the people who are eligible to

1 take the exam, they take the exam, and there will be
2 an assessment center?

3 A. Um-hmm.

4 Q. Is there always an assessment center for
5 lieutenants and captains exams?

6 MS. PASCHAL: Objection to form.

7 A. There is -- just not for those. No.

8 Q. For other ones too?

9 A. Yes.

10 Q. But will there always be an assessment
11 center for a lieutenant's exam?

12 A. There's an assessment center for all
13 officers.

14 Q. Okay.

15 A. All officers to battalion chief. That's
16 what the --

17 Q. And you consider a lieutenant an officer?

18 A. Yes.

19 Q. Okay. Let's go through the exam process.
20 Everybody gets a score. Let's make it a lieutenant
21 exam.

22 A. Okay.

1 Q. And there's a -- there's 20 people on the
2 promotion list.

3 A. Okay.

4 Q. Does -- once there's an opening in
5 suppression for lieutenant, does the fire chief have
6 to appoint number 1 or select number 1 on that list
7 and then number 2, et cetera?

8 A. The -- him or his designee. The ultimate
9 approval of course is our fire chief. He signs off on
10 the general order that makes everything effective.
11 The Operations team meets together, and they identify
12 the staffing needs and who's coming off, you know,
13 who's next on the list. And, yeah, they would go down
14 the list like that.

15 Q. So can number 2 be promoted over number 1
16 in the field?

17 A. There may be. I have never seen it. There
18 may be -- I don't think I've ever seen that. There
19 may be instances that that could occur.

20 Q. But from your understanding they just go
21 down the list unless there's some kind of exception in
22 order to fill vacancies at the --

1 A. In the operational.

2 Q. In the Operations?

3 A. Yes.

4 Q. Okay. And fire chief is the appointing
5 authority?

6 A. The fire chief --

7 MS. PASCHAL: Objection to form.

8 A. The fire chief is the -- the fire chief is
9 the only one that can make decisions on appointments,
10 promotions, any significant disciplinary action which
11 would be a suspension, demotion, disciplinary
12 diversion or termination.

13 Q. So you would agree then a captain cannot
14 decide who to promote from firefighter to lieutenant?

15 MS. PASCHAL: Objection to form.

16 Q. Correct?

17 A. Can you rephrase the question?

18 Q. I mean do you understand the question?

19 MS. PASCHAL: Objection to form.

20 A. Could you just rephrase the question for
21 me?

22 Q. Does a captain have the authority to

1 promote somebody off of a lieutenant's eligibility
2 list up to lieutenant?

3 A. Again, only -- the fire chief is the
4 appointing authority. It goes through a routing
5 process, as you said, the exceptions. It comes
6 forward from the assistant chief, say, of Operations,
7 I'm going to just use an easy term, floats the name,
8 you know, So and So, we have an opportunity.

9 So and So, you know, Toni Garcia is number
10 1 on the list. We are promoting her effective
11 whatever. Does anybody have any concerns. Their
12 files have been checked meaning, you know, do they
13 have any discipline, any issues with performance. Do
14 they have, you know, has any EEO, you know, complaints
15 been sustained, things like that they would look at
16 before the assistant chief would float that name.

17 The assistant chief and the deputy chief
18 are typically the ones that might put that out. And
19 it's typically the assistant chief because they are
20 the head of that bureau.

21 Q. Okay. So when you say they put that out,
22 is it your testimony that the -- all the captains will

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.:
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :
-----x

Videotaped Deposition of CAPTAIN JARED B. GOFF
McLean, Virginia
Friday, June 6, 2014
1:44 p.m.

Job No: 59788
Pages: 1 - 139
Reported by: Kelly Carnegie, CSR, RPR

2948
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

51

1 any specific instances," close quote. Do you see 14:27:58

2 that? 14:28:00

3 A Yes, sir. 14:28:01

4 Q Am I correctly inferring from what you say 14:28:01

5 there that in the time you were Captain I in 14:28:05

6 operations with people working for you, you didn't 14:28:10

7 issue formal discipline to anybody? 14:28:12

8 A Correct. 14:28:14

9 Q How about when you were a lieutenant? 14:28:20

10 A I did. 14:28:23

11 Q What do you remember about discipline issues 14:28:25

12 as a lieutenant? 14:28:27

13 A Discipline was recommended to the captain, 14:28:29

14 and it was also pushed up to the battalion chief and 14:28:33

15 it goes higher. 14:28:36

16 Q And before I go any further in this, I take 14:28:37

17 it that when you were a lieutenant, in at least one 14:28:42

18 instance there was a time when you were involved in 14:28:46

19 the administration of some amount of formal discipline 14:28:49

20 to some employee, correct? 14:28:52

21 A Yes. 14:28:53

22 Q I don't want you to name that person. 14:28:54

2949
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

52

1	A	No problem.	14:28:57
2	Q	Okay? Just for the -- for his or her	14:29:00
3		privacy sake.	14:29:02
4	A	Understood.	14:29:02
5	Q	So is it more than one instance you remember	14:29:03
6		when you were a lieutenant?	14:29:03
7	A	Yes.	14:29:06
8	Q	Approximately how many?	14:29:07
9	A	How many times with discipline?	14:29:08
10	Q	Yes, where formal discipline, as we	14:29:09
11		discussed earlier, where it was going to be an oral	14:29:12
12		reprimand or a written reprimand or something more	14:29:15
13		serious.	14:29:18
14	A	I would say no more than ten.	14:29:18
15	Q	Did formal discipline result in each of	14:29:25
16		those instances that you're remembering?	14:29:27
17	A	For a majority, I would say.	14:29:29
18	Q	And in those where formal discipline was	14:29:32
19		administered, were you involved in the deliberative	14:29:36
20		process for deciding what discipline the employee was	14:29:40
21		going to receive?	14:29:43
22		MS. BURROUGHS: Objection, vague.	14:29:44

2950
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

53

1 BY MR. POWELL:

14:29:51

2 Q Do you understand my question?

14:29:51

3 A Sort of. Can you --

14:29:53

4 Q Yes. I'm trying to avoid specifics, but in

14:29:54

5 any -- in any of those disciplines where formal

14:30:04

6 discipline actually was handed down to the employee,

14:30:09

7 you would have -- as the lieutenant you would have had

14:30:13

8 some role in that process, correct?

14:30:17

9 A Obviously that would be either witnessing or

14:30:20

10 knowing of the infraction and passed that message

14:30:21

11 along to the captain, who again would pass it to the

14:30:26

12 battalion chief and to the deputy chief, and then back

14:30:29

13 down.

14:30:31

14 Q So at the sort of initial reporting level,

14:30:32

15 you would have had some involvement in communicating

14:30:35

16 what had happened up the chain of command?

14:30:39

17 A Yes.

14:30:41

18 Q And do you remember in any of those

14:30:42

19 instances making a recommendation about what the --

14:30:45

20 what the resolution should be?

14:30:47

21 A Yes. There were times depending on the

14:30:51

22 amount of infractions the one -- the employee had. If

14:30:54

2951
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

54

1 it was the same infraction, obviously based upon our 14:30:57
2 policies, that recommendation would be a written 14:31:01
3 reprimand if it was a second -- second time, so... 14:31:04
4 Q So in general, am I understanding you to say 14:31:09
5 that you had some involvement in the -- in the 14:31:11
6 consideration of what the right result was going to 14:31:16
7 be? For example, you would look at the employee's 14:31:19
8 file and see whether he or she had similar problems 14:31:21
9 prior? 14:31:25
10 A Right. 14:31:25
11 Q Correct? 14:31:26
12 A Correct. 14:31:26
13 Q And that's part of the information that you 14:31:26
14 would communicate up the chain of command? 14:31:28
15 A Yes, sir. 14:31:30
16 Q But the ultimate decision about what 14:31:30
17 discipline to administer was not made by you, correct? 14:31:33
18 A Correct. 14:31:35
19 Q That's made upstream from you, correct? 14:31:36
20 A Very much upstream. 14:31:39
21 Q And then it's communicated back down to you 14:31:41
22 and you participate in the session with the employee? 14:31:43

2953
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

67

1	A	I would say late summer or early fall of	14:56:15
2		2012.	14:56:19
3	Q	2012?	14:56:20
4	A	Right.	14:56:20
5	Q	So --	14:56:21
6	A	So this is --	14:56:22
7	Q	-- a little bit after --	14:56:22
8	A	Right.	14:56:23
9	Q	-- the date of this Exhibit 499. Would	14:56:24
10		you -- right there at the -- or just above the middle	14:56:27
11		of the first page there's two paragraphs that follow	14:56:32
12		the word "duties." Do you see that?	14:56:34
13	A	Yes.	14:56:36
14	Q	Take a look at those two paragraphs, please,	14:56:36
15		and my question is do you consider them to be an	14:56:39
16		accurate high level summary of the position?	14:56:43
17	A	It would be a -- it would be a high level	14:56:49
18		summary, yes.	14:56:51
19	Q	It's correct, though, isn't it?	14:56:52
20	A	It is.	14:56:54
21	Q	What did you do to get yourself ready to	14:56:59
22		test for the Captain I position?	14:57:02

2953
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

68

1 A Well, recall my experience as lieutenant, 14:57:08
2 for one. I had a lot of experience to operate on 14:57:13
3 fires and so on and so forth. I utilized some of my 14:57:18
4 colleagues to put me into incident command positions, 14:57:22
5 scenarios, if you will, fire scenarios. I studied 14:57:30
6 manuals. I studied operating procedures, general 14:57:34
7 orders, rules and regulations. 14:57:37

8 Q And then you said you took the test in the 14:57:43
9 summer or early fall of 2012? 14:57:46

10 A Correct. 14:57:47

11 Q Did you pass it the first time? 14:57:48

12 A I did. 14:57:51

13 Q And when did you approximately learn the 14:57:52
14 results? 14:57:58

15 A A few -- a few weeks after the second -- 14:57:58
16 second part of the exam. 14:58:00

17 Q By November of 2012, you were confident you 14:58:07
18 were going to receive the promotion, correct? 14:58:11

19 A Yes, sir. 14:58:13

20 Q Do you remember in late November sending an 14:58:13
21 e-mail to a number of people in the department who 14:58:17
22 were senior to you asking for their advice? 14:58:22

2954
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

93

1	A	Right.	15:22:48
2	Q	Right?	15:22:48
3	A	Correct.	15:22:48
4	Q	We talked a moment ago about having your	15:22:51
5		team ready to perform at peak proficiency.	15:22:56
6	A	Right.	15:23:03
7	Q	While you were a Captain I with operations	15:23:03
8		at the two stations where you served, would you agree	15:23:05
9		with me that your most important job was to protect	15:23:08
10		lives and save property?	15:23:12
11	A	Yes.	15:23:13
12	Q	In order to do that, you and your team had	15:23:14
13		to be ready on a moment's notice, right?	15:23:18
14	A	Correct.	15:23:21
15	Q	May I call that operational readiness?	15:23:21
16		MS. BURROUGHS: Object to form.	15:23:24
17	A	That's a term -- that's not something that	15:23:25
18		we use typically.	15:23:29
19		BY MR. POWELL:	15:23:31
20	Q	What would you -- what would you call it?	15:23:31
21	A	We call it just being ready, responding,	15:23:33
22		training. It's -- you know, I wouldn't -- I wouldn't	15:23:36

2955
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

94

1 consider my shift to be operational ready. You are -- 15:23:43
2 as a catch-all, you are -- you are trained. You are 15:23:47
3 constantly preparing. You're constantly inspecting 15:23:53
4 and you're responding to calls. 15:23:57

5 Q But you don't know when the bell is going to 15:23:58
6 ring, right? 15:24:01

7 A Correct. 15:24:02

8 Q So whenever it rings, you and your team have 15:24:02
9 to be ready to respond? 15:24:05

10 A Correct. 15:24:08

11 Q Correct? And in order to achieve that level 15:24:08
12 of readiness, you have to do a number of other things 15:24:10
13 as a part of your job, correct? 15:24:15

14 A Correct. 15:24:17

15 Q For example, you have to be physically fit, 15:24:18
16 right? 15:24:20

17 A Correct. 15:24:21

18 Q And that's why you and everybody in your 15:24:22
19 command does a certain amount of PT every day unless 15:24:24
20 you're out on a call? 15:24:28

21 A Right. 15:24:30

22 Q Right? How -- again, on average, if you're 15:24:30

2956
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

99

1 Q So every day your shift -- again, when 15:27:26
2 you're not out on a call -- you're spending a lot of 15:27:29
3 time training to be ready to go out on the call, 15:27:34
4 whatever the call may be, correct? 15:27:36

5 A Correct. 15:27:39

6 Q On an average day, again, assuming no calls 15:27:40
7 or no requirements that you be somewhere else, how 15:27:42
8 many hours a day would your shift spend training? 15:27:46

9 A Probably four to five hours a day, four on 15:27:54
10 average. 15:27:58

11 Q And sometimes you would go off site for 15:27:59
12 all-day training, correct? 15:28:01

13 A Right. 15:28:04

14 Q And last but not least, and this is pretty 15:28:05
15 obvious, the station house itself has to be 15:28:08
16 functional, right? I mean, the doors have to go up 15:28:10
17 and people have to have a place to sleep and the 15:28:12
18 kitchen has to work? 15:28:14

19 A Correct. 15:28:15

20 Q And it's part of your responsibility as a 15:28:16
21 shift leader when you're on duty is to make sure that 15:28:18
22 the station house itself is functional? 15:28:22

2957
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

102

1	EXAMINATION BY COUNSEL FOR THE PLAINTIFFS	15:46:31
2	BY MS. BURROUGHS:	15:46:31
3	Q Captain Goff, I still have a few questions	15:46:31
4	for you.	15:46:33
5	A Okay.	15:46:34
6	Q Okay. And as we go through, I know that	15:46:34
7	you're still a captain and that you're in a position	15:46:38
8	that's not in a firehouse right now, so when I ask you	15:46:40
9	about the things I'm about to ask, I'm only referring	15:46:43
10	to the time that you spent at fire station 21 and fire	15:46:47
11	station eight.	15:46:50
12	A Okay.	15:46:51
13	Q Okay. And if you're confused about the way	15:46:51
14	I'm phrasing my question, let me know and I'll try to	15:46:53
15	rephrase in a way that's more clear.	15:46:56
16	A Okay.	15:46:58
17	Q So as a fire station one when you were -- or	15:46:58
18	as Fire Captain I when you were assigned to a station,	15:47:00
19	did you have the authority to assign overtime to	15:47:03
20	off-duty firefighters?	15:47:06
21	A No.	15:47:08
22	Q When you were a Fire Captain I assigned to a	15:47:08

2958
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

103

1 station, did you approve leave? 15:47:11

2 A No. 15:47:13

3 Q Did you set minimum staffing levels? 15:47:13

4 A No. 15:47:20

5 Q Did you spend any time working with your 15:47:20

6 station budget? 15:47:22

7 A No. 15:47:23

8 Q We talked a little bit about some station -- 15:47:25

9 or some shift-related policies that you worked on. Do 15:47:28

10 you remember how much time you spent working on the 15:47:33

11 shift policies that we talked about? 15:47:35

12 A Over a period of a week, probably three or 15:47:40

13 four hours. 15:47:43

14 Q When you were a Captain I at a fire station, 15:47:54

15 what kind of training did you engage in? 15:47:57

16 A Well, all the mandatory training, you know, 15:48:01

17 including rapid invention team. We engaged in 15:48:06

18 training relating to new EMS equipment, pulling hoses, 15:48:10

19 getting -- we trained on getting dressed with fire 15:48:15

20 gear. We trained on different other -- other type of 15:48:20

21 rescue techniques, applying water. We trained on -- 15:48:24

22 well, physical training would be considered training. 15:48:31

2959
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

104

1 We train with high rises, ladders. Basically 15:48:33
2 everything that we carried on every single rig we 15:48:39
3 trained on. 15:48:42

4 Q Was that training important? 15:48:43

5 A Yes. 15:48:44

6 Q Why do you think that training was 15:48:45
7 important? 15:48:46

8 A Well, because we're expected to use that at 15:48:48
9 any moment, and we typically do use it every single 15:48:51
10 day. And, you know, people rely on us to provide that 15:48:54
11 service. 15:48:58

12 Q When you say you use it every single day, do 15:48:58
13 you mean outside of the training sessions themselves? 15:49:02

14 A Correct. 15:49:04

15 Q Where do you use those skills when you use 15:49:04
16 them? 15:49:06

17 A On emergencies. We use them -- well, you 15:49:07
18 name it: on the road, in people's homes, in people's 15:49:12
19 apartments. 15:49:17

20 Q When you do these trainings, do you 15:49:20
21 participate? 15:49:23

22 A Yes. 15:49:23

2960
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

105

1 Q Do you participate as a leader, or as 15:49:24
2 somebody watching the training, or as both? 15:49:26

3 A It varies. Sometimes I deliver the 15:49:29
4 training. Sometimes we appoint people to train or 15:49:31
5 those that have an interest in it, but it varies. 15:49:34

6 Q Would you appoint firefighters to train? 15:49:38

7 A Yes. 15:49:40

8 Q Would you appoint technicians to train? 15:49:40

9 A Yes. 15:49:42

10 Q Did your lieutenants deliver the training 15:49:42
11 occasionally? 15:49:45

12 A Yes. 15:49:45

13 Q When you were a Fire Captain I assigned to a 15:49:56
14 station, what did you do on a fire scene generally? 15:49:59

15 A Generally it -- again, that -- it depended, 15:50:04
16 but most of the time we are working as a functional 15:50:09
17 team depending on the arrival, the arrival position of 15:50:13
18 the vehicle that I'm on, but typically it's a -- it's 15:50:18
19 a team effort. 15:50:21

20 But a lot of the times it's leading and 15:50:22
21 guiding individuals into various atmospheres or 15:50:25
22 various positions, deploying -- deploying hose lines, 15:50:31

2961
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

106

1 deploying ladders, smashing at windows, searching for 15:50:37
2 potential victims or searching for fire, controlling 15:50:42
3 utilities. That's pretty much the bulk of it. 15:50:47

4 Q And when you were a Fire Captain I assigned 15:50:53
5 to a station, what were -- what did you do on an 15:50:56
6 emergency medical response scene? 15:50:58

7 A Again, that varied, but for the majority of 15:51:01
8 the time it was either working together as a team or 15:51:05
9 directing depending on the severity of the -- of the 15:51:10
10 emergency that required a command component that 15:51:13
11 was -- that would typically fall into my category. 15:51:17
12 But for the most part it was assisting with anything 15:51:20
13 that the paramedics may need. 15:51:23

14 Q What sorts of things would you assist with? 15:51:25

15 A Gear, patient -- patient information, 15:51:27
16 working on getting information from the families, 15:51:30
17 documentation, you know. It could be to the point of, 15:51:34
18 you know, assisting with CPR or providing respirations 15:51:38
19 for an individual. 15:51:43

20 Q As a Fire Captain I assigned to a station, 15:51:46
21 were you certified in basic life support? 15:51:48

22 A Yes. 15:51:51

2963
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

107

1	Q	Was that a requirement for your position?	15:51:52
2	A	It is.	15:51:55
3	Q	When you were assigned to station 21, what	15:51:59
4		apparatus did you generally ride?	15:52:02
5	A	I was assigned to engine 421.	15:52:04
6	Q	And when you were assigned to station eight,	15:52:07
7		which apparatus were you with?	15:52:10
8	A	Engine 408.	15:52:13
9	Q	So both -- at both stations you were on the	15:52:15
10		engine?	15:52:17
11	A	Correct.	15:52:17
12	Q	Did the engine at both stations have similar	15:52:17
13		functions?	15:52:23
14	A	Yes.	15:52:23
15	Q	For both stations, did that engine ever	15:52:24
16		respond to a call without you on it on a day that you	15:52:27
17		were on the shift?	15:52:29
18	A	Never.	15:52:30
19	Q	Were there other individuals that were also	15:52:30
20		assigned to your engine?	15:52:32
21	A	Yes.	15:52:33
22	Q	Did you go on the same number of calls as	15:52:34

2963
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

108

1 your subordinates that were assigned to that engine? 15:52:36

2 A Yes. 15:52:39

3 Q When the tone rings and you are -- and you 15:52:42

4 were dispatched as a Fire Captain I assigned to a 15:52:45

5 station, did you go? 15:52:47

6 A Yes. 15:52:48

7 Q Did you feel like you had to go? 15:52:48

8 A Yes. 15:52:50

9 Q If you were working on writing out one of 15:52:51

10 these shift policies that we looked at earlier and the 15:52:55

11 tone rang, would you go? 15:52:58

12 A Yes. 15:52:59

13 Q If you were emptying the dishwasher, would 15:53:00

14 you go if the tone rang? 15:53:04

15 A Yes. 15:53:05

16 Q We talked earlier about -- I'll find it in 15:53:12

17 my notes and then I guarantee we talked -- about 15:53:20

18 formal discipline and how sometimes you would give 15:53:22

19 instructions to employees to help improve their job 15:53:25

20 performance without writing up a formal discipline. 15:53:29

21 A Correct. 15:53:31

22 Q Do you remember that conversation? 15:53:32

1	A	Yes.	15:53:32
2	Q	If you were giving -- if you were having	15:53:33
3		such a conversation with your subordinate and the	15:53:34
4		tones went off, what would you do?	15:53:37
5	A	Drop everything and go on the call.	15:53:39
6	Q	Okay. Did you ever say to a subordinate	15:53:40
7		don't go yet, let's finish this conversation?	15:53:44
8	A	No.	15:53:46
9	Q	We talked about a list of things that you	15:53:56
10		did in your position as a Fire Captain I assigned to a	15:53:57
11		station that you identified as being things that were	15:54:01
12		part of what gets you ready to respond to calls. One	15:54:07
13		of those was PPE, and I remember you saying that it's	15:54:10
14		everyone's job to check PPE. You also check your own	15:54:13
15		PPE.	15:54:18
16	A	Correct.	15:54:19
17	Q	Do you remember saying that?	15:54:19
18	A	Yes.	15:54:20
19	Q	Okay. Is that true of all the equipment in	15:54:20
20		the station, that it's everybody's job to check it and	15:54:23
21		that you also check it?	15:54:26
22	A	For the most part, depending on what you're	15:54:26

2965
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

120

1 were a lieutenant?

16:04:43

2 A Yes.

16:04:43

3 Q As a lieutenant, did you ever arrive as the
4 first engine on the scene?

16:04:44

16:04:46

5 A Yes.

16:04:47

6 Q Can you describe for me what you would do as
7 a lieutenant as the first engine on the scene.

16:04:48

16:04:51

8 A The situation would -- would generally -- it
9 would depend, but for the most part you are the
10 incident commander for that incident. Unless you feel
11 that you cannot handle it, you generally pass -- pass
12 the command to the second arriving engine. However,
13 for the most part, the first arriving engine is the
14 responsible individual to command the incident until
15 passed to either a higher power or the second arriving
16 engine.

16:04:55

16:05:02

16:05:05

16:05:08

16:05:12

16:05:18

16:05:24

16:05:30

16:05:34

17 Q Did you actually ever arrive as a lieutenant
18 on the first arriving engine?

16:05:35

16:05:37

19 A Yes.

16:05:39

20 Q When you were in that position, did you
21 always pass command to the second arriving engine?

16:05:39

16:05:41

22 A No.

16:05:43

2965
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

121

1 Q Can you tell me about a time when you did 16:05:44

2 not. 16:05:45

3 A We had a garden apartment fire. It was a 16:05:47

4 single room. I was the first arriving engine officer 16:05:51

5 assigned to engine 410. We had smoke showing on 16:05:57

6 arrival, garden apartment, very long way. I think we 16:06:02

7 laid about four or 500 feet of attack line in. 16:06:05

8 And because of the arrival of all the -- all 16:06:10

9 the engine companies, the trucks, I did not have the 16:06:12

10 opportunity to pass that command to the second 16:06:15

11 arriving engine because of the complexity of the 16:06:19

12 incident. We had report of people on the upper 16:06:21

13 floors, and I held the command until the arrival of 16:06:24

14 the battalion chief, who was coming from, I think, 16:06:28

15 station eight or something. I'm not sure where they 16:06:32

16 were coming from, but -- so essentially I was in 16:06:35

17 command of four engines, two trucks, one rescue squad, 16:06:37

18 and a medic unit until arrival. 16:06:41

19 Q So you said that sometimes the first 16:06:43

20 arriving engine will pass command to the second. 16:06:44

21 A Correct. 16:06:48

22 Q Is that right? 16:06:48

2967
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

122

1	A	Correct.	16:06:49
2	Q	Was there an officer on the second arriving	16:06:49
3		engine on the day that you just described?	16:06:52
4	A	Yes.	16:06:53
5	Q	What rank was that officer, if you remember?	16:06:54
6	A	Captain.	16:06:56
7	Q	Okay. Were there also officers on the third	16:06:57
8		and fourth arriving engine?	16:06:59
9	A	Yes.	16:07:01
10	Q	Do you remember their ranks?	16:07:02
11	A	I believe they were captains as well.	16:07:04
12	Q	Okay. So you said you remained as the	16:07:05
13		incident commander until the battalion chief arrived.	16:07:07
14		Is that right?	16:07:10
15	A	Right.	16:07:11
16	Q	Did the battalion chief arrive before or	16:07:11
17		after the three other engines we just discussed, or	16:07:14
18		somewhere in that timeline?	16:07:19
19	A	Pretty close to the fourth arriving.	16:07:20
20	Q	Okay.	16:07:22
21	A	Right.	16:07:22
22	Q	So while you were incident commander, were	16:07:23

2968
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

123

1	you giving direction to the captains who were on the	16:07:25
2	other engines that had already arrived?	16:07:28
3	A Right. It was everybody.	16:07:30
4	Q Okay. And you were a lieutenant at the	16:07:31
5	time, right?	16:07:32
6	A Correct.	16:07:32
7	Q Did you get in trouble for maintaining	16:07:38
8	command that day?	16:07:40
9	A No.	16:07:41
10	Q As a captain or a lieutenant, have you ever	16:07:50
11	had the opportunity to work with a work improvement	16:07:53
12	plan for an employee?	16:07:56
13	A Yes.	16:07:57
14	Q Without naming that employee, I want to talk	16:07:58
15	just a little bit about that. Did you -- were you	16:08:01
16	involved with this work improvement plan as a	16:08:05
17	lieutenant or as a captain?	16:08:07
18	A A lieutenant.	16:08:08
19	Q Were you the one directly responsible for	16:08:11
20	administering the work improvement plan?	16:08:14
21	A I think the tactical part of it and	16:08:16
22	recommendations for the strategic part, yes.	16:08:20

2969
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

124

1 Q Okay. What did you do in order to 16:08:23

2 administer that plan? 16:08:25

3 A Working with the captain, the battalion 16:08:28

4 chief -- primarily the captain -- in identifying the 16:08:31

5 weaknesses and the deficiencies in the employee, 16:08:35

6 collectively making recommendations for the plans to 16:08:38

7 be submitted to the battalion chief and for that 16:08:44

8 document or that plan to be -- to be pushed up. Then 16:08:46

9 once it was received back down, it was delivered 16:08:51

10 primarily by me with the -- with the captain's 16:08:57

11 oversight. 16:09:00

12 Q When you said it was -- well, first, did the 16:09:01

13 battalion chief approve that plan? 16:09:05

14 A Yes. 16:09:07

15 Q Okay. Could you have administered it if the 16:09:07

16 battalion chief had not approved it? 16:09:09

17 A No. 16:09:10

18 Q And you said you deliver -- it was delivered 16:09:11

19 primarily by you. What did you mean by that? 16:09:13

20 A I was tasked with the delivery of the 16:09:16

21 training, which was the identified deficiency in the 16:09:20

22 employee, and because the subject matter expert -- let 16:09:25

2970
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

128

1	fires?	16:12:15
2	A Correct.	16:12:16
3	Q Right? And part of what's set forth in	16:12:17
4	those manuals are the procedures to be followed for	16:12:21
5	the commencement of an on-site command and the	16:12:23
6	transition of command as circumstances dictate?	16:12:30
7	A Correct.	16:12:34
8	Q Right? And it's been your practice, as I've	16:12:34
9	understood your testimony, that you follow those	16:12:39
10	procedures as a lieutenant and as a captain?	16:12:42
11	A Do my best.	16:12:44
12	Q As you expect -- would expect everyone to,	16:12:45
13	correct?	16:12:48
14	A Correct.	16:12:49
15	Q Now I'm going to show you what a civilian I	16:12:51
16	really am. I've heard the phrase pulling hoses and	16:12:54
17	throwing ladders many times since I've been working on	16:12:57
18	this case, and I think I get what pulling a hose is.	16:13:00
19	Can you tell me what throwing a ladder is.	16:13:03
20	A Absolutely. So throwing a ladder is	16:13:05
21	deploying a ladder so that you can either ventilate a	16:13:07
22	window or break a window open, or you place it	16:13:12

2971
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

129

1	correctly so that you can rescue a body or a person.	16:13:15
2	Q So you're using the ladder to get up onto	16:13:17
3	and into whatever structure you're dealing with?	16:13:20
4	A Correct, whether it be a window or a	16:13:25
5	balcony.	16:13:27
6	Q Nobody -- nobody is really throwing it,	16:13:27
7	right?	16:13:29
8	A No. There are -- there are some drivers	16:13:30
9	that are skillful enough to literally throw a ladder,	16:13:32
10	and it goes into the ground and then they pop it up.	16:13:36
11	So yes. In theory, yes.	16:13:41
12	Q In practice --	16:13:42
13	A In practice --	16:13:43
14	Q -- I'm not saying it's easy, I'm just -- I'm	16:13:45
15	trying to visualize firefighters actually physically	16:13:47
16	throwing a ladder. That's not what we're talking	16:13:50
17	about, is it?	16:13:52
18	A For the purposes of discussion, we'll say	16:13:53
19	no.	16:13:55
20	Q All right.	16:13:58
21	A Okay.	16:13:58
22	Q You talked at some length about the fire	16:13:58

2973
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

130

1	that you remembered as a lieutenant where you were	16:13:59
2	the -- you were the first to arrive, and per the	16:14:02
3	procedures you became the incident commander, correct?	16:14:05
4	A Correct.	16:14:07
5	Q Remind me about some of the details of that	16:14:08
6	event.	16:14:11
7	A Okay. So we were the first arriving engine	16:14:11
8	on this -- on this garden apartment. The garden	16:14:13
9	apartment is up in Bailey's Crossroads. It's a very	16:14:18
10	complex area where we had three different	16:14:21
11	jurisdictions arriving essentially at the same time.	16:14:24
12	We had to pull an extra-long hose. We had	16:14:27
13	to coordinate with another engine that's literally	16:14:32
14	across the street in another jurisdiction to complete	16:14:35
15	the lay.	16:14:38
16	So in my -- you know, in my professional	16:14:39
17	opinion, instead of giving the command to that second	16:14:41
18	arriving engine who was now two blocks away and that	16:14:45
19	also would now have to run up, my professional opinion	16:14:49
20	was to hold command and trust in my crew, who I did	16:14:52
21	trust, and they -- actually, they wound up going into	16:14:55
22	the apartment which was on fire with the ladder truck	16:15:00

2973
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

131

1	officer and his firefighter.	16:15:04
2	Q And did I recall -- am I recalling you	16:15:06
3	correctly to say that you had to lay several hundred	16:15:10
4	feet of hose?	16:15:13
5	A Yes.	16:15:15
6	Q And that a number of other vehicles arrived	16:15:15
7	after yours did?	16:15:18
8	A Yes.	16:15:19
9	Q And during this entire time, you're the	16:15:20
10	incident commander?	16:15:23
11	A Correct.	16:15:24
12	Q And the procedures allowed you as incident	16:15:24
13	commander to exercise your discretion to retain	16:15:29
14	command as the circumstances dictate in the exercise	16:15:32
15	of your judgement, correct?	16:15:35
16	A Correct.	16:15:36
17	Q Had a battalion chief come on the scene and	16:15:37
18	wanted to take command from you, he could have done	16:15:39
19	that, correct?	16:15:41
20	A If he wanted to.	16:15:42
21	Q If he wanted to. But in this instance, that	16:15:44
22	didn't happen, right?	16:15:46

1	A	Correct.	16:15:48
2	Q	So how many vehicles from different stations	16:15:48
3		responded to this call before it was over?	16:15:52
4		Approximately.	16:15:53
5	A	12 to 15.	16:15:59
6	Q	And how many total fire department personnel	16:16:00
7		were fighting this fire at its peak?	16:16:02
8	A	Within the apartment on the fire-floor floor	16:16:07
9		above, we probably had six or seven.	16:16:16
0	Q	And start to finish, you were the incident	16:16:19
1		commander?	16:16:21
2	A	No, not start to finish. As soon as the	16:16:22
3		battalion chief arrived, he took -- he took the	16:16:24
4		command, but that wasn't until the fourth arriving	16:16:26
5		engine pulled up on the scene.	16:16:29
6	Q	Okay. So the battalion chief arrived. Was	16:16:31
7		he on the fourth arriving engine, or did he just	16:16:33
8		arrive at the same time?	16:16:36
9	A	He was in his command vehicle and he	16:16:37
0		arrived -- I'm trying to remember the time frame, but	16:16:40
1		it was around -- it was probably within three to four	16:16:42
2		minutes of us actually operating -- maybe even longer.	16:16:46

2975
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

133

1	I'm not even sure of the time. I shouldn't say that.	16:16:49
2	Q Well, you -- you anticipated my question.	16:16:53
3	A Okay.	16:16:55
4	Q I'm trying to understand how far along from	16:16:56
5	the time you arrived and became incident commander as	16:16:58
6	the first arriving vehicle, from that point until the	16:17:00
7	time the battalion chief arrives, approximately how	16:17:02
8	much time elapsed?	16:17:05
9	A Probably -- probably four to five minutes, I	16:17:07
10	would say.	16:17:08
11	Q And during that interval, you're not waiting	16:17:09
12	for the battalion chief to start fighting the fire,	16:17:12
13	right? You take command and you're directing the	16:17:14
14	people who were there what to do?	16:17:16
15	A Correct.	16:17:19
16	Q Are you pulling hose and throwing ladders	16:17:19
17	yourself, or are you commanding them to do it?	16:17:22
18	A The initial line was a -- was a	16:17:24
19	500-plus-foot line, and I helped to pull that.	16:17:28
20	Q You helped pull it?	16:17:31
21	A Right.	16:17:33
22	Q Once that line is deployed, though, you're	16:17:33

2976
VIDEOTAPED DEPOSITION CAPTAIN JARED B. GOFF
CONDUCTED ON FRIDAY, JUNE 6, 2014

134

1	then -- are you pulling back so that you can see	16:17:35
2	what's going on --	16:17:37
3	A Correct.	16:17:38
4	Q -- as the incident commander and can -- and	16:17:39
5	can act not just tactically, but strategically to make	16:17:41
6	sure that the fire is suppressed as efficiently as	16:17:45
7	possible?	16:17:49
8	A Yes.	16:17:49
9	Q Right?	16:17:50
10	A Right.	16:17:50
11	Q And you're running the show at that point,	16:17:50
12	right?	16:17:52
13	A Right.	16:17:52
14	Q And then the battalion command -- the	16:17:53
15	battalion chief comes, and consistent with the	16:17:54
16	operation manuals, command is passed to him?	16:17:57
17	A Correct.	16:18:01
18	Q When -- when you were the first to arrive,	16:18:07
19	were you filling in for a captain on that engine for	16:18:09
20	that fire?	16:18:12
21	A Yes.	16:18:12
22	MR. POWELL: Those are all my questions,	16:18:20

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----X
GERARD MORRISON, et al.,)
Plaintiffs,) Civil Action No.
v.) 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA.,)
Defendant.)
-----X
Videotaped Deposition of CAPTAIN GEORGE O. GONZALEZ
McLean, Virginia
Monday, June 9, 2014
8:42 a.m.
Job No.: 59008
Pages: 1 - 301
Reported by: Leslie Anne Todd

33

1	Q	Okay. And so were you at Fire Station 25	09:12:15
2		for the entire ten-year period?	09:12:21
3	A	Correct.	09:12:23
4	Q	Okay. And you have shift leader, acting	09:12:24
5		station commander written here. Can you explain	09:12:32
6		that? Was this a -- were you filling in as a	09:12:35
7		Captain I?	09:12:38
8	A	Where are you -- which line are you	09:12:39
9		reading from? I'm sorry.	09:12:42
10	Q	I'm looking at the title.	09:12:43
11	A	Oh.	09:12:43
12	Q	It says "Unit officer/shift leader/acting	09:12:45
13		station commander."	09:12:49
14	A	Right. So at that point as a lieutenant,	09:12:51
15		when there is no assigned captain, there's -- the	09:12:53
16		lieutenants fill in and perform the duties of a shift	09:12:57
17		leader.	09:13:02
18	Q	Okay. So was there a captain assigned to	09:13:03
19		Station 25?	09:13:06
20	A	At times there were and at times there	09:13:07
21		weren't.	09:13:10
22	Q	And what occasions were there not?	09:13:10

34

1	A	When they had no captain to promote to	09:13:13
2		that position.	09:13:16
3	Q	Was there a position assignment to	09:13:26
4		that -- was there a position assigned to the station	09:13:28
5		for a Captain I?	09:13:31
6	A	Mm-hmm.	09:13:32
7	Q	And they didn't have someone to fill that	09:13:32
8		vacancy?	09:13:35
9	A	Correct.	09:13:36
10	Q	Okay.	09:13:36
11	A	Cap II in that shift --	09:13:37
12	Q	They had --	09:13:41
13	A	Captain II. That's a Captain II shift.	09:13:42
14	Q	Oh, you were on the Captain II shift?	09:13:44
15	A	Mm-hmm.	09:13:44
16	Q	Okay. I'm sorry, what shift was that?	09:13:49
17	A	A.	09:13:49
18	Q	So were there two Captain Is at that	09:13:50
19		station on other shifts at that time?	09:13:53
20	A	Yes.	09:13:54
21	Q	Who were the Captain Is at that time?	09:13:54
22	A	Gary Pemberton, Keith Dubetsky.	09:13:56

87

1	A	So the -- much of what was already	10:28:37
2		developed in the past, I modified and brought them up	10:28:41
3		to -- to the current expectation that the	10:28:43
4		organization -- that the department has set. There's	10:28:48
5		some modification changes, and I just modified the	10:28:49
6		changes and changed those policies.	10:28:52
7	Q	Okay. Did you develop any station	10:28:54
8		policies as an EMS Captain II supervisor --	10:28:58
9	A	Station policy?	10:28:58
10	Q	-- Captain II EMS -- I'm sorry,	10:29:04
11		Captain II EMS supervisor, yes, did you do any	10:29:06
12		station policies?	10:29:07
13	A	No.	10:29:08
14	Q	Okay. The next part of this bullet talks	10:29:13
15		about battalion policies. What positions did you	10:29:16
16		hold -- well, let's start with what battalion	10:29:18
17		policies have you developed?	10:29:22
18	A	Well, where -- oh, I see, on the same	10:29:22
19		line?	10:29:25
20	Q	Uh-huh.	10:29:27
21	A	It could be -- it could be staffing.	10:29:36
22		It -- it's probably -- probably a policy that needed	10:29:37

107

1	as a Captain II EMS supervisor, do you then fill out	10:47:33
2	a multi-rater form?	10:47:38
3	A I do.	10:47:40
4	Q Okay. And that's an evaluation, right?	10:47:41
5	A It is.	10:47:43
6	Q And you can identify on that specific	10:47:43
7	goals for that lieutenant?	10:47:45
8	A The captain -- in this particular	10:47:55
9	situation, the captain identifies those goals. I	10:47:56
10	only look at it at the ALS focus, and that's it.	10:48:00
11	Q All right. So from an ALS perspective,	10:48:04
12	you can provide goals, right?	10:48:07
13	A I concur usually with -- not to	10:48:08
14	provide -- not to offer challenge. Go along with the	10:48:13
15	captain's goals that are set.	10:48:22
16	Q So the captain of the station then sets	10:48:25
17	those goals?	10:48:27
18	A Correct.	10:48:28
19	Q And then you provide a --	10:48:28
20	A Feedback.	10:48:31
21	Q -- multi-rater form.	10:48:32
22	Is this like an addendum to the	10:48:34

108

1	evaluation, right?	10:48:37
2	A Correct.	10:48:37
3	Q And so you look at the goals that the	10:48:38
4	captain has --	10:48:40
5	A Correct.	10:48:40
6	Q -- on the lieutenant's evaluation?	10:48:41
7	A Correct.	10:48:42
8	Q And then you either concur or you can	10:48:42
9	modify or add to those goals?	10:48:46
10	A I don't usually.	10:48:48
11	Q Okay.	10:48:48
12	A From recollection, I don't recall	10:48:50
13	adding -- I usually refer to those.	10:48:52
14	Q But it's within your authority to do that	10:48:54
15	if you saw something?	10:48:57
16	MS. BURROUGHS: Objection. Speculation.	10:48:58
17	BY MS. REWARI:	10:48:59
18	Q Right?	10:49:00
19	A On the goals and -- no, it would be more	10:49:00
20	behavior specific.	10:49:17
21	Q Okay. So you could make some	10:49:18
22	recommendations or suggested changes to behavior on	10:49:22

110

1	A	That has to do with special projects	10:50:18
2		while I was -- while injured and -- and doing special	10:50:23
3		projects.	10:50:29
4	Q	And is this an injury that you -- injury	10:50:30
5		leave that you were on?	10:50:34
6	A	Yeah, during --	10:50:34
7	Q	As a Captain II?	10:50:36
8	A	Yeah.	10:50:37
9	Q	Okay. The next bullet: "Assess,	10:50:39
10		interpret and provide comment on the impact of	10:50:42
11		federal, state, local ordinances, codes and	10:50:44
12		regulations to meet" --	10:50:47
13	A	I'm sorry. That's what I was talking	10:50:48
14		about. I thought that's the line you were on. Which	10:50:48
15		line were you talking about?	10:50:48
16	Q	Okay. Above that, "Deliver fire and	10:50:52
17		emergency services curriculum to ensure highest	10:50:55
18		quality service delivery."	10:50:57
19	A	Oh, oh, oh, my error. I was speaking --	10:50:57
20		that last comment, I was speaking on "assess and	10:51:00
21		interpret."	10:51:04
22	Q	Okay.	10:51:04

126

1	Q	-- to the present, when have you -- what	11:20:17
2		was the first time period you can think of that you	11:20:20
3		were on light duty?	11:20:24
4	A	2010.	11:20:25
5	Q	Okay. And how long in 20 -- when did you	11:20:26
6		start on light duty in 2010?	11:20:26
7	A	I don't -- I can't recall if that's	11:20:28
8		November or December.	11:20:33
9	Q	Okay.	11:20:33
10	A	They seem to coincide.	11:20:34
11	Q	Okay. Do you recall why you were on	11:20:36
12		light duty at that time?	11:20:38
13	A	I believe that was my neck injury.	11:20:42
14	Q	How did you injure your neck?	11:20:51
15	A	I was on a training assignment performing	11:20:54
16		a task removing heavy equipment, and the heavy load	11:20:56
17		shifted, and I thought I pulled my arm out of socket.	11:21:02
18		It wasn't my arm. It was my actual cervical spine	11:21:05
19		that got adjusted.	11:21:09
20	Q	Okay. And you said training assignment.	11:21:14
21		What --	11:21:15
22	A	So I was working as a -- I was getting	11:21:16

129

1	April of 2012 -- I mean 2011?	11:23:22
2	A Yeah, May maybe.	11:23:25
3	Q Maybe May?	11:23:25
4	A April, May -- March, April, May. One of	11:23:28
5	those three, yeah.	11:23:32
6	Q Am I correct to understand that in that	11:23:37
7	time period then you were not going out on calls?	11:23:40
8	A Correct.	11:23:42
9	Q So after May 2011, did you have other	11:23:43
10	period that you were on light duty?	11:23:46
11	A Yes.	11:23:47
12	Q And when was that?	11:23:48
13	A They're all three -- they're all three	11:23:57
14	molding together here. Somewhere between the same	11:23:58
15	time period, November or December or October.	11:24:01
16	Q Of 2011? Are we now in the following	11:24:06
17	year?	11:24:10
18	A I don't recall -- let me just state three	11:24:11
19	injuries. Neck, foot, and back. And the foot, I	11:24:15
20	can't recall the date that happened.	11:24:21
21	Q Did you have a different light duty	11:24:26
22	assignment for the foot injury?	11:24:28

130

1	A	Same section. Short period of time.	11:24:30
2	Q	Were you still at Vienna Station 2 at	11:24:35
3		this time?	11:24:41
4	A	No. I would be at EMS 401 at that time.	11:24:41
5	Q	That was your regular assignment?	11:24:45
6	A	That was my assignment at the time.	11:24:47
7	Q	Okay. All right. And the back injury,	11:24:51
8		when was that?	11:25:02
9	A	October 1st, 2012.	11:25:03
10	Q	So you were the EMS --	11:25:09
11	A	Supervisor --	11:25:09
12	Q	-- supervisor at that point?	11:25:12
13	A	Mm-hmm.	11:25:13
14	Q	Okay. What was the foot injury?	11:25:14
15	A	I was working on maintaining heavy	11:25:17
16		equipment. We have a maintenance process, and I was	11:25:22
17		checking -- checking the equipment, and in the	11:25:26
18		process the jackhammer slipped, went through my foot	11:25:30
19		and lacerated my toe.	11:25:35
20	Q	Where were you doing this maintenance?	11:25:38
21	A	At the warehouse.	11:25:40
22	Q	Was this something you were doing as a	11:25:47

131

1	station commander or was this a volunteer?	11:25:50
2	A I was a Captain II.	11:25:54
3	Q Uh-huh. As?	11:25:58
4	A As a logistics -- logistics manager. For	11:25:58
5	the task force.	11:26:04
6	Q Sorry. Logistics?	11:26:06
7	A Manager.	11:26:08
8	Q For what task force?	11:26:08
9	A Yep. VATF-1.	11:26:11
10	Q Oh, the same task force we talked about	11:26:13
11	earlier?	11:26:17
12	A Yep.	11:26:18
13	Q The Virginia Task Force.	11:26:18
14	A Yep.	11:26:18
15	Q Okay. So another -- this is still the	11:26:18
16	volunteer assignment on the task force?	11:26:21
17	A Yes.	11:26:23
18	Q All right. And then what was your back	11:26:29
19	injury?	11:26:31
20	A October 2012. Responding to a call,	11:26:31
21	myself as the second ALS provider. Dispatch	11:26:34
22	algorithm requires two paramedics to be on scene.	11:26:39

132

1	Truck 36, Medic 36 and EMS 401 responded to a	11:26:44
2	motorcyclist down. And during patient care, while I	11:26:49
3	was providing patient care in association with the	11:26:55
4	other paramedic, I was listening to lung sounds, and	11:26:57
5	my back went into a spasm, for whatever reason.	11:27:00
6	Q And you went on light duty after that	11:27:14
7	injury?	11:27:17
8	A Yes. Yes.	11:27:17
9	Q For how long?	11:27:17
10	A I don't recall.	11:27:18
11	Q Do you recall what you did during light	11:27:20
12	duty? Where were you working?	11:27:22
13	A In the same section.	11:27:24
14	Q Operations section?	11:27:25
15	A Operations section, yeah.	11:27:27
16	Q So, again, during this time period, you	11:27:38
17	would not have been going out on calls, right?	11:27:40
18	A Correct.	11:27:42
19	Q Okay. Any other periods of light duty	11:27:47
20	that you can think of that you had between	11:27:50
21	November 1, 2008, and today?	11:27:52
22	A No, those are the three that I can recall	11:27:55

150

1 A So it would be -- the technicians and my 11:47:21
2 lieutenants delivered the content, and I shared in 11:47:24
3 some of the delivery of content. 11:47:28

4 Q And did you help develop the content? 11:47:30

5 A Much of the content had already been 11:47:33
6 created, because it's manuals -- standard practices 11:47:37
7 and manuals that are set by the organization -- 11:47:41
8 accepted by the organization. 11:47:44

9 Q So how did you develop the drill? Did 11:47:46
10 you have to pull out which parts of the manuals to 11:47:52
11 present in this drill? 11:47:55

12 A So it's two things: There's existing 11:47:56
13 PowerPoints that exist, so you capture that, and then 11:48:02
14 you just update with new materials and provide that 11:48:04
15 content. 11:48:08

16 Q Okay. And so how many attendees for the 11:48:08
17 battalion were you presenting to? 11:48:11

18 A Approximately 56. 11:48:13

19 Q Okay. So would that have been all the 11:48:14
20 ALS providers in the battalion? Or it -- 11:48:18

21 A No, it's BLS. That's everybody in the 11:48:19
22 battalion. 11:48:22

151

1	Q	Okay. So all the fire station personnel	11:48:23
2		in the battalion?	11:48:27
3	A	Correct.	11:48:28
4	Q	And how many stations in the battalion?	11:48:28
5	A	Six.	11:48:30
6	Q	The next item says: "Improved command	11:48:45
7		post operational effectiveness through participation	11:48:48
8		in battalion level training."	11:48:49
9		Do you have an understanding of what	11:48:53
10		that's referring to?	11:48:55
11	A	I'd assume -- I mean, I just -- "improved	11:49:07
12		command post operational effectiveness through	11:49:12
13		participation" -- that's just being active in all the	11:49:14
14		training that the chief schedules.	11:49:17
15	Q	And the chief meaning the battalion	11:49:20
16		chief?	11:49:24
17	A	The battalion chief schedules and/or the	11:49:25
18		master calendar schedules.	11:49:28
19	Q	So is the battalion level training,	11:49:30
20		that's different than --	11:49:31
21	A	Potentially.	11:49:34
22	Q	Okay. Do you recall what training you	11:49:37

182

1	Q	Okay. Do you recall whether --	13:10:31
2	A	I don't recall. I do recall him making	13:10:33
3		that recommendation, but I can't remember which	13:10:35
4		employee it was.	13:10:37
5	Q	How often did he make a recommendation?	13:10:37
6	A	Every time there was an employee	13:10:40
7		evaluation.	13:10:45
8	Q	And -- and what would his	13:10:45
9		recommendation -- you say every time. What were his	13:10:49
10		recommendations every time?	13:10:51
11		MS. BURROUGHS: Objection. Vague.	13:10:53
12		BY MS. REWARI:	13:10:53
13	Q	Was it always the same recommendation?	13:10:55
14	A	No.	13:10:57
15	Q	Okay. So what kind of recommendations do	13:10:57
16		you recall him making?	13:10:59
17	A	Modifying the -- the evaluation up or	13:11:01
18		down.	13:11:06
19	Q	Up or down on which section? On any	13:11:06
20		particular section?	13:11:09
21	A	The pages 013387 all the way through to	13:11:10
22		013392.	13:11:34

183

1	Q	92. Okay.	13:11:36
2	A	And to include 013396.	13:11:39
3	Q	Okay. Do you recall any discussions in	13:11:45
4		particular with Chief Bunch about changing a rating	13:11:54
5		up or down?	13:11:59
6	A	Specifically, I don't.	13:12:00
7	Q	Okay. Were there sometimes it was up and	13:12:02
8		sometimes it was down, or was it always in one	13:12:06
9		direction?	13:12:08
10	A	Usually down. More -- more -- more times	13:12:09
11		down.	13:12:14
12	Q	Did you ever discuss -- do you recall	13:12:15
13		ever discussing why? For any individual --	13:12:18
14	A	I have to say -- do I recall, no, but I	13:12:23
15		know we discussed why. But the content of it, I	13:12:25
16		don't recall.	13:12:28
17	Q	Okay. Without again naming any	13:12:29
18		individuals, do you recall anything about those --	13:12:34
19		about a discussion about changing a rating down?	13:12:37
20	A	Again, why, I know we discussed it. But	13:12:42
21		I don't know the specifics of --	13:12:48
22	Q	Okay. What do you recall?	13:12:51

184

1	A	-- what I asked.	13:12:52
2		Other than why, what's his opinion.	13:12:55
3		That's it.	13:12:59
4	Q	Okay.	13:13:00
5	A	Or reason.	13:13:01
6	Q	And do you recall what any of the reasons	13:13:05
7		were?	13:13:07
8	A	No.	13:13:08
9	Q	Were they --	13:13:08
10	A	No.	13:13:10
11	Q	-- based on his observations of the	13:13:10
12		employee?	13:13:12
13	A	I would probably assume so, yes.	13:13:13
14		(Defendant's Exhibit No. 518 was	14:10:28
15		marked for identification.)	14:10:28
16	BY MS. REWARI:		14:10:28
17	Q	Okay. Let's look at Defendant's	13:13:19
18		Exhibit 518.	13:13:42
19	A	We're finished with this other one?	13:13:42
20	Q	Yes.	13:13:45
21	A	Okay.	13:13:46
22	Q	Do you recognize this as an e-mail that	13:13:47

211

1	A	Okay.	13:44:16
2	Q	Okay. So starting at the end of this	13:44:17
3		document and moving forward in time, the first e-mail	13:44:19
4		is an e-mail from Beth Adams dated January 17, 2013.	13:44:22
5		Do you see that?	13:44:27
6	A	Yes.	13:44:28
7	Q	Okay. And the subject is "Notice of EMS	13:44:29
8		Inquiry No. 2013-004." Do you see that?	13:44:37
9	A	Yes.	13:44:40
10	Q	Okay. What is an EMS inquiry?	13:44:41
11	A	An EMS inquiry is where a concern,	13:44:43
12		complaint of either the treatment or delivery of EMS	13:44:50
13		service may be called into question. And it's	13:44:56
14		brought to the attention of our QA.	13:45:04
15	Q	And you were involved in this particular	13:45:05
16		inquiry in your capacity as an EMS Captain II,	13:45:07
17		correct?	13:45:07
18	A	Yes.	13:45:12
19	Q	Okay. And so above that January 17	13:45:12
20		e-mail is a February 9 e-mail from Beth Adams.	13:45:16
21		Correct?	13:45:24
22	A	Yes.	13:45:24

212

1 Q And was this based on a report that you 13:45:26
2 had submitted? 13:45:29

3 A It's based on my reporting to the 13:45:31
4 battalion chief my findings of the employee -- 13:45:39
5 fire medic employee. 13:45:44

6 Q And this particular EMS inquiry pertained 13:45:46
7 to a complaint regarding delayed response by medic 13:45:50
8 unit? 13:45:55

9 A Correct. 13:45:57

10 Q And there was a fire medic and a 13:45:57
11 firefighter -- or there were a fire medic and a 13:46:00
12 firefighter who were the personnel that were 13:46:02
13 involved? 13:46:04

14 A Correct. 13:46:05

15 Q And this was a fire medic and a 13:46:05
16 firefighter at Captain Vannoy's station, right? 13:46:08

17 A Only one of those was an employee 13:46:12
18 subordinate under Captain Vannoy. 13:46:17

19 Q Right. And that's the Fire Station 36 13:46:20
20 employee? 13:46:23

21 A Correct. 13:46:24

22 Q Okay. And the conclusion, according to 13:46:32

267

1	up. Okay?	15:28:41
2	A Okay.	15:28:42
3	Q When you were Fire Captain II in the	15:28:42
4	station, did you have authority to assign overtime to	15:28:44
5	off-duty firefighters?	15:28:48
6	A No.	15:28:48
7	Q As an EMS Captain II, do you have the	15:28:48
8	authority to assign overtime to off-duty	15:28:48
9	firefighters?	15:28:48
10	A No.	15:28:48
11	Q As a Fire Captain II in the station, did	15:28:48
12	you approve leave?	15:28:56
13	A No.	15:28:56
14	Q As an EMS Captain II, do you approve	15:28:57
15	leave?	15:29:02
16	A No.	15:29:02
17	Q As a Fire Captain II in the station, did	15:29:03
18	you set minimum staffing levels?	15:29:03
19	A No.	15:29:05
20	Q As an EMS Captain II, do you set minimum	15:29:05
21	staffing levels?	15:29:10
22	A No.	15:29:11

268

1	Q	When you were a Fire Captain II in the	15:29:11
2		station, how much time did you spend doing	15:29:14
3		performance appraisals each year?	15:29:17
4	A	About four hours a year.	15:29:21
5	Q	And as an EMS Captain II, we talked about	15:29:32
6		a number of multi-rater forms. Correct?	15:29:35
7	A	Correct.	15:29:38
8	Q	Are those the only forms that you	15:29:38
9		complete as an EMS Captain II?	15:29:40
10	A	As of today, yes.	15:29:40
11		MS. REWARI: Object to form.	15:29:40
12		BY MS. BURROUGHS:	15:29:40
13	Q	As of today, yes?	15:29:40
14	A	Yes.	15:29:42
15	Q	Can you -- before today, what other forms	15:29:42
16		did you complete?	15:29:45
17	A	In one case, it was an evaluation, but	15:29:47
18		the policy has changed.	15:29:49
19	Q	When you're doing those multi-rater	15:29:53
20		forms, how much time per year do you spend completing	15:29:57
21		them?	15:30:00
22	A	Hour, hour and a half.	15:30:06

269

1	Q	For the whole year?	15:30:07
2	A	Oh, sorry. Maybe for each one.	15:30:08
3	Q	Okay. And how many did -- well, we said	15:30:11
4		it's changed over time.	15:30:14
5	A	It has.	15:30:15
6	Q	Maybe in the last year, how many did you	15:30:17
7		do?	15:30:19
8	A	Four.	15:30:19
9	Q	Okay. And when you were doing the longer	15:30:23
10		evaluations, how much time would you guess that	15:30:25
11		added?	15:30:28
12		MS. REWARI: Objection. Calls for	15:30:33
13		speculation.	15:30:34
14		THE WITNESS: The -- the evaluation	15:30:34
15		itself?	15:30:38
16		BY MS. BURROUGHS:	15:30:38
17	Q	Yes. How much additional time did that	15:30:39
18		take you?	15:30:42
19	A	Another hour, hour and a half.	15:30:42
20	Q	When you were a Fire Captain II in the	15:30:44
21		station, did lieutenants complete performance	15:30:46
22		evaluations?	15:30:50

270

1	A	Yes.	15:30:50
2	Q	Did lieutenants sign performance	15:30:50
3		evaluations for their subordinates?	15:30:53
4	A	Yes.	15:30:55
5	Q	As a Fire Captain II in the station, did	15:30:56
6		you engage in physical fitness?	15:31:03
7	A	Yes.	15:31:05
8	Q	How much time did you spend engaged in	15:31:05
9		physical fitness each shift?	15:31:08
10	A	Roughly two hours. So maybe sometimes	15:31:10
11		interrupted by calls, responding to calls, EMS calls	15:31:13
12		or fire calls. But I would say two hours.	15:31:16
13	Q	And then as an EMS Captain II, is it also	15:31:22
14		about two hours, or is that different?	15:31:24
15	A	It's the same. The same -- same	15:31:26
16		challenges.	15:31:31
17	Q	As a Fire Captain II in the station, did	15:31:32
18		you perform or did you attend trainings?	15:31:35
19		MS. REWARI: Objection. Compound.	15:31:38
20		BY MS. BURROUGHS:	15:31:40
21	Q	You can answer if you know.	15:31:42
22	A	Yes.	15:31:43

271

1	Q	Okay. What kinds of trainings took place	15:31:43
2		in your station when you were a Fire Captain II?	15:31:45
3	A	Scheduled training set by the academy and	15:31:48
4		delivered to operations -- to -- directed to the	15:31:51
5		field personnel. At that time it was a -- the	15:31:55
6		matrix. And then -- now there's a component of D2L,	15:32:00
7		as well as master calendar ORs set by the training	15:32:09
8		academy.	15:32:15
9	Q	You used the acronym D2L. What is that?	15:32:17
10	A	Desire to learn.	15:32:21
11	Q	Is that something that the County has set	15:32:22
12		up?	15:32:24
13	A	Yes. The Fire and Rescue Department --	15:32:24
14		excuse me -- the Fire and Rescue Academy manages and	15:32:25
15		has established the curriculum and content for all	15:32:28
16		providers to review and complete within a given time	15:32:31
17		period, be it monthly or quarterly, and those include	15:32:34
18		CEUs, as well as other subject content.	15:32:39
19	Q	Did you use CEUs?	15:32:44
20	A	Correct.	15:32:44
21	Q	What does that acronym mean?	15:32:46
22	A	Continuing education units.	15:32:46

272

1	Q	Okay. And when you were completing these	15:32:50
2		trainings, about how much time per shift did you	15:32:51
3		spend?	15:32:54
4	A	Depending on topic, it could be	15:32:54
5		30 minutes to an hour to three hours. Depending on	15:32:59
6		the scope or the specific task.	15:33:03
7	Q	As either a Fire Captain II in the	15:33:08
8		station or an EMS Captain, can you issue discipline	15:33:11
9		without sending it up the chain of command for	15:33:15
10		approval?	15:33:18
11	A	No.	15:33:19
12	Q	What is your most -- as a Fire Captain II	15:33:21
13		in the station, what is your most important job duty?	15:33:24
14	A	Showing up to work on time, as every	15:33:27
15		other personnel is responsible to show up to work on	15:33:31
16		time; respond on calls; deliver first-rate, quality	15:33:34
17		EMS care; and extinguish fires; ensure the safety of	15:33:39
18		commercial or public buildings that are in alarm are	15:33:47
19		safe to occupy; and render any incident that may be	15:33:51
20		unstable stable.	15:33:58
21	Q	And as an EMS Captain II, what would your	15:34:00
22		most important job duty be?	15:34:03

273

1	A	My -- it would be the same, with the more	15:34:05
2		focus of supporting the EMS care: Performing patient	15:34:08
3		care, delivering medications, treating patients, and	15:34:13
4		providing -- as a combination, support in any fire	15:34:18
5		task that may be needed.	15:34:28
6	Q	As an EMS Captain II, are you dispatched	15:34:29
7		on to fire or emergency response calls?	15:34:32
8	A	Yes, I am.	15:34:34
9	Q	When you are dispatched, do you go?	15:34:35
10	A	Yes, I do.	15:34:38
11	Q	Is that true no matter what you're doing?	15:34:39
12	A	I have no choice.	15:34:41
13	Q	As an EMS Captain II, what do you do when	15:34:42
14		you are dispatched to a fire or emergency response	15:34:45
15		call?	15:34:47
16	MS. REWARI:	Objection. Compound.	15:34:47
17	THE WITNESS:	I respond -- when the	15:34:49
18		receipt of call is captured, the dispatch is made.	15:34:53
19		If the unit I'm riding on or assigned to that day is	15:34:57
20		part of that response, I respond in whatever unit I'm	15:35:01
21		assigned to that day, and perform whatever tasks that	15:35:05
22		are needed to mitigate the emergency, be it an EMS	15:35:08

274

1 incident, or a fire incident, or maybe some other 15:35:12

2 special hazard incident, hazmat or TROT. 15:35:18

3 BY MS. BURROUGHS: 15:35:22

4 Q As an EMS Captain II, have you been 15:35:22

5 dispatched on fire calls? 15:35:25

6 A Yes, I have. 15:35:28

7 Q What are -- can you give us some examples 15:35:28

8 of the things that you do when you're dispatched on 15:35:31

9 fire calls? 15:35:33

10 A The specific tasks are to support the 15:35:34

11 battalion chief by tracking units, documenting and 15:35:37

12 providing a detailed accounting of all the units on 15:35:40

13 the event, support his management and accountability 15:35:44

14 of the incident. 15:35:51

15 Q As a Fire Captain -- or as an EMS 15:35:54

16 Captain II, when you are dispatched on EMS calls, 15:35:57

17 what do you do, or what are some examples of what you 15:36:00

18 do? 15:36:03

19 A I -- let me finish on the other question. 15:36:03

20 Q Oh, sure. 15:36:05

21 A Depending on what my dispatch is, my 15:36:07

22 other duty may be managing the medical unit or rehab, 15:36:10

275

1 of where I perform blood pressures and evaluations of 15:36:15
2 firefighters that have been in the IDLH, and 15:36:18
3 determine if they're ready to be reused, recycled 15:36:21
4 into the IDLH. 15:36:26

5 Q And what's an IDLH? 15:36:28

6 A It is an immediate-danger-to-life hazard. 15:36:30

7 Q And is that an acronym that would refer 15:36:34
8 to the incident scene? 15:36:37

9 A It would refer to the area where 15:36:38
10 contamination, be it smoke, be it fumes, or whatever 15:36:41
11 the -- that area might be. 15:36:48

12 Q Okay. Do you have anything else to add 15:36:50
13 as far as your duties on the fire scene? 15:36:54

14 A As part of that medical unit -- the 15:36:57
15 medical unit is there to ensure that if there's an 15:37:02
16 injury or illness of the firefighter, initiate the 15:37:05
17 immediate care to that firefighter in need. And then 15:37:08
18 the rehab would be another one. To explain, the 15:37:13
19 medical unit would be the task of providing care to 15:37:17
20 our injured firefighters. 15:37:19

21 Q How many ALS providers are usually 15:37:23
22 dispatched to a fire scene? 15:37:26

276

1 A So there's an ALS provider on each 15:37:27
2 engine, potentially an ALS provider on the rescue, a 15:37:31
3 transport unit, two supervisors, and then one of the 15:37:39
4 battalion chiefs may be ALS-qualified. So I would 15:37:47
5 say a minimum of six. But it could be greater 15:38:00
6 depending upon the staffing of the units. 15:38:03

7 Q Okay. On a primary -- on a call that is 15:38:05
8 primarily medical, what are your responsibilities 15:38:15
9 then? 15:38:17

10 A So on the algorithms we mentioned 15:38:18
11 earlier, I am dispatched as a second ALS provider on 15:38:22
12 calls. I will initiate patient care as a second ALS 15:38:28
13 provider, and I will support the ALS provider on the 15:38:33
14 transport unit all the way through the call and to 15:38:38
15 the hospital, as needed. 15:38:42

16 Q As the second ALS provider, are there -- 15:38:43
17 what sorts of care do you provide? 15:38:47

18 A I take blood pressures, I take -- basic 15:38:51
19 vital signs: Blood pressure, pulse, respiration, 15:38:55
20 O2 sat, EKG rhythm interpretation and analysis, and 15:38:58
21 body temperature. 15:39:04

22 Q And you mentioned medicines earlier. 15:39:08

277

1	A	Yes.	15:39:11
2	Q	Do you distribute medicine as part of	15:39:11
3		your job as an EMS Captain II?	15:39:13
4	A	Yes. Any paramedic in the department	15:39:17
5		will deliver medication. There is a protocol -- a	15:39:20
6		set protocol that provides that direction. Given the	15:39:24
7		impression and the findings of our assessment, we	15:39:27
8		determine whether or not this patient can be -- can	15:39:32
9		be -- should be administered -- should be	15:39:36
10		administered the medicines appropriate for this	15:39:37
11		illness, ailment.	15:39:41
12	Q	Okay. As an EMS Captain II, are you	15:39:42
13		dispatched on more EMS or more fire calls?	15:39:48
14	A	More EMS.	15:39:52
15	Q	If you -- would you be able to put a	15:39:58
16		rough percentage to how many more EMS calls you're	15:39:59
17		dispatched on than fire calls?	15:40:03
18		MS. REWARI: Objection. Vague.	15:40:06
19		THE WITNESS: I couldn't.	15:40:17
20		BY MS. BURROUGHS:	15:40:18
21	Q	Okay. Would it be more than 50 percent	15:40:18
22		EMS?	15:40:20

278

1	A	I would say so, yes.	15:40:21
2	Q	Okay. Would it be more than 60 percent	15:40:22
3		EMS?	15:40:24
4	A	I'd say 60 to 70 percent EMS.	15:40:24
5	Q	Okay. So we just talked about those	15:40:40
6		duties on a fire and EMS scene as an EMS Captain II.	15:40:41
7		As a Fire Captain II in the station, what	15:40:45
8		were your duties on a fire scene?	15:40:48
9	A	Perform an assessment of the structure.	15:40:50
10		If it's -- if it happens to be a fire, get the hose	15:41:03
11		line on the fire. Make sure there is no loss of life	15:41:06
12		or life occupant danger, so a rescue may be required.	15:41:10
13		Bring that incident to a stable status, and try to	15:41:16
14		save property.	15:41:22
15	Q	And --	15:41:22
16	A	Which may include, you know, advancing	15:41:22
17		hose lines, placing fans, maybe force an entry to a	15:41:29
18		structure or throwing ladders to gain entry or to	15:41:35
19		evacuate occupants.	15:41:41
20	Q	And as a Fire Captain II when you were	15:41:49
21		assigned to a station, what were your	15:41:51
22		responsibilities on EMS calls?	15:41:53

279

1	A	The same thing: Provide that -- provide	15:41:56
2		the basic vitals; support the ALS provider in that	15:42:01
3		situation of gaining that -- those vitals we talked	15:42:08
4		about earlier. So it could be blood pressure, it	15:42:11
5		could be information, medical information for the	15:42:14
6		patient, for the family member, and providing that to	15:42:15
7		the lead paramedic. Moving cots inside; carrying the	15:42:19
8		patient in and out; bringing equipment inside.	15:42:26
9	Q	When you were a Fire Captain II assigned	15:42:29
10		to a station, were you ALS-certified at that time?	15:42:32
11	A	I was.	15:42:35
12	Q	Are there things that you could do as	15:42:35
13		somebody who was ALS-certified that somebody who was	15:42:38
14		basic life support, BLS-certified, could not do?	15:42:41
15	A	Yes.	15:42:45
16	Q	What sorts of things can an ALS provider	15:42:46
17		do that is not part of the basic life support?	15:42:48
18	A	So, to administer medications, discern	15:42:50
19		EKG rhythms, diagnose certain rhythms and treat those	15:42:54
20		rhythms, treat the symptoms, if they're treatable	15:42:56
21		with the cadre of medicines that we have.	15:43:02
22	Q	And did you do those things as a Fire	15:43:05

280

1	Captain II?	15:43:08
2	A Yes, I did.	15:43:08
3	Perform CPR -- I forgot that -- on	15:43:10
4	both -- on the EMS as well as on that one.	15:43:13
5	Q Is performing CPR an ALS certification?	15:43:18
6	A No, it's a BLS.	15:43:22
7	Q Okay. So anybody who has the BLS	15:43:23
8	certification could be performing CPR?	15:43:25
9	A Yes.	15:43:31
10	And I've done that myself as far as being	15:43:31
11	on the scene and responsible for that task.	15:43:33
12	Q When you were a Fire Captain II at the	15:43:41
13	station, what apparatus were you generally assigned	15:43:43
14	to?	15:43:46
15	A The engine.	15:43:46
16	Q Did the engine, when you were on the	15:43:47
17	shift, ever respond to a call without you on it?	15:43:49
18	A No.	15:43:54
19	Q Did that -- did you go on the same number	15:43:54
20	of calls as your subordinates assigned to that	15:43:57
21	engine?	15:44:00
22	A Yes.	15:44:00

284

1	A	So this would provide the annual	15:47:53
2		accounting of that work performed by that master	15:48:00
3		tech.	15:48:03
4	Q	And when you completed Section B for	15:48:03
5		either the master techs, as we were just discussing,	15:48:05
6		or for the lieutenants, did you rank them on the	15:48:08
7		skills that were listed, or did you check "Not	15:48:10
8		applicable or not observed"?	15:48:13
9	A	I ranked them.	15:48:15
10	Q	Okay. That's all I have for that one.	15:48:17
11		Can you find for me No. 518. 520 would	15:48:31
12		also work if you can find that one. Either one would	15:48:42
13		be fine.	15:48:46
14	A	518 I have.	15:48:46
15	Q	Okay. 518 was a multi-rater form that	15:48:48
16		you identified as something you drafted; is that	15:48:51
17		right?	15:48:51
18	A	Correct.	15:48:56
19	Q	If you were completing a multi-rater form	15:48:56
20		such as this one, and you were dispatched to a call,	15:48:59
21		what would you do?	15:49:02
22	A	Leave to go on a call.	15:49:03

285

1	Q	Okay. So you would not stop -- you would	15:49:06
2		not complete this multi-rater form and then go on the	15:49:07
3		call later?	15:49:09
4	A	Correct.	15:49:10
5	Q	Okay. Can you find No. 523.	15:49:18
6		Got that one?	15:49:34
7	A	I do.	15:49:35
8	Q	And this was a memorandum that you	15:49:35
9		drafted in October of 2011 to --	15:49:37
10	A	Yes.	15:49:40
11	Q	-- Deputy Chief Keith Morrison.	15:49:40
12	A	Correct.	15:49:45
13	Q	Is that the right one?	15:49:45
14	A	Yes.	15:49:45
15	Q	If you were drafting a memorandum such as	15:49:45
16		this one and you were dispatched on a call, what	15:49:47
17		would you do?	15:49:51
18	A	I would respond on the call.	15:49:51
19	Q	Okay. Can you find No. 530 for me.	15:50:04
20		I'm going to ask you about 531 next, so	15:50:19
21		if they're in the pile next to each other, I'll warn	15:50:22
22		you about them.	15:50:25

286

1	A	Okay.	15:50:26
2	Q	Okay. So starting with 530, this was an	15:50:26
3		e-mail that you drafted in December of 2011; is that	15:50:29
4		right?	15:50:29
5	A	Correct.	15:50:35
6	Q	If you were drafting an e-mail like this	15:50:36
7		and you were dispatched on a call, what would you do?	15:50:38
8	A	I would stop what I was doing and respond	15:50:41
9		on the calls.	15:50:44
10	Q	Okay. Number 31 -- 531 --	15:50:44
11	A	Mm-hmm.	15:50:48
12	Q	-- was an e-mail you drafted in February	15:50:49
13		of 2014.	15:50:52
14		If you were drafting an e-mail such as	15:50:53
15		this and you were dispatched, what would you do at	15:50:55
16		that time?	15:50:57
17	A	I would respond on the call.	15:50:57
18	Q	Okay.	15:50:59
19	A	On many occasions, they don't get	15:51:00
20		completed because of call interruptions.	15:51:03
21	Q	Do you later come back and complete them	15:51:06
22		then?	15:51:08

294

1	FURTHER EXAMINATION BY COUNSEL FOR	15:59:33
2	DEFENDANT	15:59:33
3	BY MS. REWARI:	15:59:33
4	Q Your counsel asked you whether when you	15:59:35
5	were a station commander on an engine whether the	15:59:41
6	engine would go out without you. And I want to	15:59:43
7	understand your answer.	15:59:48
8	Obviously, if you're not on a shift that	15:59:51
9	day or if you're on leave, the engine will go out	15:59:54
10	without you, right?	15:59:58
11	A Typically a lieutenant would be assigned	15:59:59
12	to that to fill my position.	16:00:01
13	Q Right. But the engine would go out	16:00:03
14	without you.	16:00:05
15	A When I'm on leave, yes.	16:00:06
16	Q Okay. And when you were a station	16:00:08
17	commander, you were at times filling in for an EMS	16:00:12
18	supervisor, right?	16:00:15
19	A As well as a battalion chief and a safety	16:00:16
20	officer.	16:00:19
21	Q Right.	16:00:19
22	And so on those days when you were	16:00:20

295

1	filling in as an EMS supervisor, as a battalion	16:00:23
2	chief, or as a safety officer, the engine was going	16:00:26
3	out without you, right?	16:00:29
4	A With a lieutenant in the front seat.	16:00:30
5	Q Right. So even though you were at work,	16:00:32
6	you were not on that engine; you were on a different	16:00:39
7	apparatus on those days, right?	16:00:42
8	A That's possible.	16:00:45
9	Q Okay. As an EMS Captain II, are you --	16:00:51
10	do you have a unit that's assigned to you?	16:00:54
11	A A vehicle?	16:00:57
12	Q No. A unit as far as a personnel unit.	16:00:58
13	A I'm sorry. I don't know your question.	16:01:02
14	Q Okay. Let me ask -- if you'd go back to	16:01:04
15	Exhibit 514, that was your evaluation.	16:01:06
16	A Okay.	16:01:14
17	Okay.	16:01:36
18	Q And your counsel asked you about question	16:01:37
19	No. 6 under Section B.	16:01:39
20	A Yes.	16:01:40
21	Q And it was checked "Not applicable or not	16:01:41
22	observed." Do you see that?	16:01:43

296

1	A	Yes.	16:01:46
2	Q	Okay. And the question was, "How	16:01:49
3		effectively does the supervisor accomplish budgetary,	16:01:50
4		administrative and support tasks necessary to assure	16:01:54
5		the efficient functioning of the unit."	16:01:57
6		My question to you is, as an EMS	16:02:00
7		Captain II, do you have a unit that you are assigned	16:02:03
8		to?	16:02:05
9	A	I think maybe -- you may be	16:02:05
10		misunderstanding the context of this question.	16:02:10
11	Q	Okay. What is the context?	16:02:12
12	A	The unit, it's intended, for example, as	16:02:14
13		a resource management unit comprised of multiple	16:02:16
14		personnel. A unit meaning something of a section.	16:02:19
15	Q	And -- but as a Captain II station	16:02:26
16		commander, was the section filled out for you?	16:02:30
17	A	Yes.	16:02:33
18	Q	Okay. And it's not filled out for you as	16:02:33
19		an EMS?	16:02:35
20	A	Correct. We do not deal with any	16:02:36
21		budgetary responsibilities.	16:02:38
22	Q	You don't have a particular station	16:02:39

297

1 assigned to you, right; your office is in a station? 16:02:41

2 A Yes. 16:02:49

3 Q But you don't have budgetary 16:02:49
4 responsibility for that station, right? 16:02:51

5 A Correct. 16:02:53

6 Q And you don't have administrative 16:02:54
7 responsibilities specific to that station, right? 16:02:57

8 A Correct. 16:03:00

9 MS. REWARI: Okay. I don't have any 16:03:09
10 further questions. 16:03:10

11 MS. BURROUGHS: I don't have any either. 16:03:10
12 Thank you very much for coming in. 16:03:12

13 THE VIDEOGRAPHER: No further questions, 16:03:14
14 we will conclude this deposition. We will go off the 16:03:16
15 record at 16:03. 16:03:18

16 (Signature having not been waived,
17 the deposition of CAPTAIN GEORGE O. GONZALEZ
18 was concluded at 4:03 p.m.)

19

20

21

22

1

1

UNITED STATES DISTRICT COURT

2

FOR THE EASTERN DISTRICT OF VIRGINIA

3

(Alexandria Division)

4

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5

GERARD MORRISON, et al.,)

6

Plaintiffs,) Civil Action No.

7

v.) 1:14cv5 (CMH/JFA)

8

COUNTY OF FAIRFAX, VA.,)

9

Defendant.)

10

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11

12

Videotaped Deposition of CAPTAIN JOHN ELLIS HIGGINBOTHAM, II

13

McLean, Virginia

14

Monday, June 9, 2014

15

4:16 p.m.

16

17

18

19

20

Job No.: 59008

21

Pages: 1 - 259

22

Reported by: Leslie Anne Todd

47

1 Q All right. Turning to page 6. In the 16:57:12
2 last line here, your answer to Interrogatory No. 4, 16:57:22
3 it states that: "Plaintiff further states that he 16:57:26
4 was on workers' compensation from February 2013 to 16:57:30
5 May 2013 and received his full salary while on 16:57:34
6 workers' compensation." 16:57:37

7 Do you see that? 16:57:38

8 A Yes. 16:57:39

9 Q Okay. What was that workers' 16:57:40
10 compensation related to? 16:57:42

11 A Right shoulder surgery. And I believe I 16:57:46
12 actually came back on duty in June of 2013. 16:57:52

13 Q Was this an injury -- was this surgery 16:58:07
14 related to an injury? 16:58:10

15 A Yes. 16:58:12

16 Q What was the injury? 16:58:15

17 A I had two tears on my right labrum. 16:58:16

18 Q Was this something that you discovered on 16:58:33
19 an incident or something that was progressive that 16:58:35
20 you discovered? 16:58:39

21 A I originally hurt it doing PT at the 16:58:40
22 station. 16:58:43

48

1 Q Any other injuries that you've had in the 16:58:56

2 2010 to current time period at work? 16:58:58

3 A Probably in January of 2012, early 2012, 16:59:03

4 I hurt my right foot. Also during PT. 16:59:06

5 Q And by PT, you mean physical training? 16:59:15

6 A Physical training, correct. 16:59:18

7 Q Do you recall what happened? 16:59:20

8 A With the root foot? 16:59:21

9 Q Yes. 16:59:23

10 A Kicking a heavy bag. 16:59:24

11 Q Any other injuries that you can think of 16:59:32

12 in that -- 16:59:35

13 A Going back how far? 16:59:36

14 Q In the 2010 to 2014 time period. 16:59:38

15 A I don't believe so. 16:59:44

16 Q Okay. Looking at your answer to 16:59:45

17 Interrogatory No. 5. You were asked here for all 16:59:50

18 jobs proposals or transfers for which you've applied 17:00:01

19 between November 1, 2008, and the present. 17:00:04

20 And I -- my question is, have you ever 17:00:10

21 applied for the Captain II position? 17:00:12

22 A No. 17:00:14

128

1	Those are the only two unique things I	18:34:37
2	can think of right now.	18:34:40
3	(Defendant's Exhibit No. 549 was	14:10:28
4	marked for identification.)	14:10:28
5	BY MS. REWARI:	14:10:28
6	Q Okay. Let me show you Exhibit 549.	18:34:41
7	And this is an e-mail exchange from	18:35:16
8	February 2014. Correct?	18:35:21
9	A Yes.	18:35:24
10	Q Okay. And the subject is "Fire Station	18:35:25
11	visit," right?	18:35:31
12	A Hold on. I've got to look at this whole	18:35:40
13	thing.	18:35:43
14	Q Sure. Please. Go ahead.	18:35:44
15	(Witness peruses document.)	18:35:44
16	A Okay.	18:35:59
17	Q And this is about a fire station visit by	18:36:00
18	a Girl Scout troop, right?	18:36:04
19	A Correct.	18:36:06
20	Q And is Captain Nash, is he a Captain I?	18:36:06
21	A He's a C shift Captain I, yes.	18:36:12
22	Q So am I correct to understand that this	18:36:14

129

1 e-mail chain pertains to a visit the Girl Scout troop 18:36:17

2 wanted to make to the station? 18:36:20

3 A Correct. 18:36:22

4 Q And is this something that happens from 18:36:22

5 time to time at the station, that people from the 18:36:24

6 community want to come and visit the station? 18:36:28

7 A It happens at all stations. 18:36:30

8 Q All stations. And sometimes they want to 18:36:32

9 take a visit to the station, right? 18:36:35

10 A Mm-hmm. 18:36:36

11 Q And then sometimes they want to use the 18:36:37

12 space like the homeowners' association, right? 18:36:40

13 A That being a specific instance to 40 18:36:42

14 because of our training room, yes. 18:36:44

15 Q Okay. And so is this the type of issue 18:36:46

16 that or type of community dealing that you do from 18:36:49

17 time to time as a captain at Station 40? 18:36:55

18 A As a firefighter, captain, lieutenant, we 18:36:57

19 all do it. This training was actually delivered 18:37:02

20 by -- who is this? -- one firefighter and two 18:37:11

21 technicians. 18:37:19

22 Q Right. But all the e-mails on this chain 18:37:19

130

1 are all captains, right? 18:37:22

2 A Correct. 18:37:24

3 Q There is only Nash, Gruendel and you, 18:37:24

4 correct? 18:37:28

5 A Right. Nash, Gruendel and me. If I was 18:37:29

6 off, I would have sent one of this -- I would have 18:37:31

7 sent this to one of my lieutenants to take care of 18:37:33

8 for me. 18:37:36

9 Q Okay. 14:10:28

10 (Defendant's Exhibit No. 550 was 14:10:28

11 marked for identification.) 14:10:28

12 BY MS. REWARI: 14:10:28

13 Q Let's take a look at Defendant's 18:37:56

14 Exhibit 550. 18:37:58

15 And do you recognize this as an e-mail 18:38:05

16 that you sent to Martin Ranck on September 10, 2013? 18:38:07

17 A Yes. 18:38:10

18 Q Was he the hazmat battalion chief at this 18:38:12

19 point? 18:38:16

20 A Hold on. Let me read it to make sure. I 18:38:16

21 remember sending it. I've just got to put 18:38:20

22 everything -- he should have be -- September. I 18:38:22

3023
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

135

1	A	Correct.	18:43:07
2	Q	And this is an e-mail exchange with you,	18:43:08
3		Mark Nash, and David Gruendel?	18:43:13
4	A	Correct.	18:43:17
5	Q	Okay. So, again, these are the captains	18:43:18
6		at Station 40?	18:43:25
7	A	Correct.	18:43:26
8	Q	Okay. And Chief Ranck asked: "Guys, I	18:43:26
9		would like to try and get together again to go over	18:43:29
10		some stuff for the -- for the coming year and our	18:43:32
11		program goals, objectives, and wants/needs."	18:43:34
12		Do you have an understanding of what	18:43:37
13		program he was talking about there?	18:43:44
14	A	Hazardous materials program.	18:43:45
15	Q	Okay. And he next says: "Can you look	18:43:48
16		at October 9 or 14, please, and see if either of	18:43:50
17		those dates work. If coming to the station is not	18:43:54
18		feasible due to location or other personal needs,	18:43:59
19		would a phone call in work? We are going to be doing	18:43:59
20		master calendar soon for the coming year and would	18:44:02
21		like some input."	18:44:06
22		Is this a master calendar for the	18:44:08

3024
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

136

1 department or battalion, or who? 18:44:10

2 A The master calendar is for the department 18:44:11
3 as a whole. 18:44:14

4 Q Okay. And so do you have a recollection 18:44:15
5 of what input he was asking for there? 18:44:16

6 A Not specifically. I do recall that this 18:44:20
7 meeting in particular wound up getting postponed once 18:44:23
8 or twice, and actually Lieutenant O'Connor wound up 18:44:26
9 doing it for me, because it wound up being on a day 18:44:31
10 that I was off but A shift was working, and just to 18:44:35
11 get it over, Lieutenant O'Connor handled it for us. 18:44:37

12 Q And so this -- what was the purpose of 18:44:40
13 the meeting? 18:44:41

14 A I think probably it had some stuff to do 18:44:42
15 with FRO and just scheduling the upcoming -- some 18:44:45
16 ideas for what our upcoming yearly training would be. 18:44:48

17 Q FRO is? 18:44:51

18 A First responder operations, what we 18:44:53
19 talked about earlier in the very beginning, going out 18:44:55
20 and delivering all the training. 18:44:58

21 Q Okay. And so when you -- as long as 18:45:00
22 you've been at Station 40, has there been a hazmat 18:45:08

137

1 battalion chief?

18:45:11

2 A Yes. I don't recall the position ever

18:45:12

3 being vacant for any length of time.

18:45:21

4 Q Okay. And so is this something that is

18:45:23

5 done annually with the hazmat battalion chief; i.e.,

18:45:25

6 coming together and discussing training dates for the

18:45:29

7 master calendar?

18:45:33

8 A No, not as the three of us. It kind of

18:45:34

9 depends on who the battalion chief is and what the

18:45:41

10 topic would be. If it was specific to training dates

18:45:44

11 for the master calendar, we typically don't have any

18:45:47

12 input into that at all. If you're talking about

18:45:50

13 topics for the monthly training, that's the

18:45:53

14 chairperson from that -- we may or may not have --

18:45:58

15 have a role in selecting that. It depends.

18:46:03

16 Q So as long as Chief Ranck has been the

18:46:07

17 hazmat battalion chief, what kind of input have you

18:46:11

18 had in the training that goes on the master calendar?

18:46:15

19 A Most of it involves -- he will give me a

18:46:20

20 list of dates for whatever training it is that we're

18:46:32

21 going to do, and I see if that works with whatever

18:46:35

22 our schedule already is. And either I will do that

18:46:38

142

1 their time card is properly coded. 18:51:17

2 Q Okay. And then this says: "If anyone 18:51:19

3 calls in, make sure to the chief or Captain Kelly 18:51:22

4 know to change it on FOCUS." 18:51:26

5 A At this point in time in the system, this 18:51:28

6 was a new system. Under our old system that we used 18:51:32

7 to use, lieutenants and captains all could do the 18:51:32

8 exact same things. 18:51:36

9 This was a new system, and at this time 18:51:36

10 only captains had access to the system. That has 18:51:38

11 since changed, and lieutenants now have access to the 18:51:42

12 system to be able to do and update personnel's T&As. 18:51:44

13 Q Okay. 18:51:44

14 A So they can actually go through and 18:51:48

15 approve -- approve T&As like we used to always be 18:51:50

16 able to. But at this point it was only captains and 18:51:55

17 above, so we had to work together as a big group to 18:52:00

18 get this done. 18:52:04

19 Q Okay. And then so in the next paragraph, 18:52:05

20 you wrote: "I have approved all time for everyone up 18:52:10

21 through 8/22 except for the following items that need 18:52:14

22 to be corrected and/or approved." 18:52:17

143

1 And then for the first person, "Durham OT 18:52:18
2 on 8/21 for 24 hours, need the 43, and to be approved 18:52:25
3 on FOCUS." 18:52:30
4 So the 43 here is again the same overtime 18:52:31
5 form that you were talking about earlier? 18:52:33
6 A Reading what this tells me is that she's 18:52:36
7 put on her timecard that she had 24 hours of callback 18:52:38
8 on August 21st; however, I don't have the supporting 18:52:41
9 documentation to go along with that, so she needs to 18:52:46
10 provide that. And we'll give reference to numbers, 18:52:49
11 and the lieutenant can reference the numbers and -- 18:52:51
12 Q And that 43 -- 18:52:51
13 A -- give the go ahead. 18:52:55
14 Q I'm sorry, go ahead. 18:52:55
15 A No, that's really it. 18:52:57
16 Q And the 43 would have been signed by the 18:52:58
17 supervisor at the location where she was for that 18:53:02
18 overtime. 18:53:04
19 A Correct. 18:53:04
20 Q So you would be -- 18:53:04
21 A Be either the lieutenant or a captain or 18:53:06
22 whatever. An officer has to sign that part of it. 18:53:08

161

1 good person to get. 19:11:51

2 Q Okay. And so what is Edward Payne's 19:11:52
3 position? 19:11:56

4 A Lieutenant on Rescue 401. 19:11:56

5 Q And who is on the "cc" line there? 19:12:03

6 A He is the normal lieutenant on Rescue 19:12:06
7 401. He was on injury leave at that time. As was 19:12:16
8 their captain, which is why he's not on it. 19:12:20

9 Q Okay. Their captain was on injury leave 19:12:23
10 at the time? 19:12:25

11 A Correct. And, again, all this is, is, 19:12:25
12 Hey, they throw his name in the hat. And they've got 19:12:27
13 as much power as I do, which is none, to get or not 19:12:29
14 get people, personnel. But we can throw names out 19:12:33
15 to -- throw names in the hat, and cross your fingers 19:12:36
16 and skip three times and hope you get that person. 19:12:38

17 Q So were you suggesting to Lieutenant 19:12:47
18 Payne that he -- I guess who holds the hat? Where is 19:12:49
19 the name being thrown into the hat when you say 19:12:58
20 throwing names into the hat? 19:13:01

21 A I'm telling Lieutenant Payne to -- if you 19:13:02
22 have the opportunity to get him, throw -- if you're 19:13:08

3029
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

186

1 I give a verbal. And by that, that's what I mean. I 19:49:05
2 initiate it. It's actually something that there was 19:49:11
3 a violation of the rules, I refer to their files, 19:49:13
4 figure out where it's at. I send it up to -- 19:49:16
5 What do you want to do with this? They come down 19:49:20
6 with an answer. Which isn't always -- sometimes I 19:49:22
7 have asked for something specific and I've been told 19:49:25
8 no. 19:49:27
9 Q Is there an SOP that governs discipline 19:49:28
10 for tardiness? 19:49:32
11 A Yes. 19:49:32
12 Q And so is it like Step 1 is a verbal 19:49:33
13 reprimand? 19:49:36
14 A Correct. 19:49:36
15 Q And then the Step 2 is a written 19:49:37
16 reprimand? 19:49:40
17 A Correct. 19:49:41
18 Q And what is Step 3? 19:49:41
19 A Two days off. 19:49:42
20 Q So if someone is tardy and it's their 19:49:45
21 first time, do you follow the SOP then, as far as 19:49:47
22 recommending that it be a verbal reprimand? 19:49:51

3030
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

187

1 A If it's the first time, then I would put 19:49:54
2 in my -- my e-mail to the battalion chief, This is 19:49:57
3 his first time being late. 19:50:00

4 Q And when you put that in there, you know 19:50:01
5 that if it's the first time, it's going to be a 19:50:03
6 verbal, right? 19:50:05

7 A I know it should be. But they do not 19:50:06
8 always listen. 19:50:16

9 Q And is there a specific circumstance that 19:50:16
10 you're thinking of where they did not listen? 19:50:19

11 A Certainly as a lieutenant there was 19:50:22
12 somebody that was -- when I was a lieutenant, we had 19:50:25
13 someone who was late the fourth time, which means 19:50:27
14 you're dismissed. We recommended that we not dismiss 19:50:30
15 the person, he was dismissed. So that was a perfect 19:50:34
16 example of not listening. 19:50:37

17 I -- with the technician here that I've 19:50:39
18 added, I actually -- well, in my e-mail wanted to try 19:50:40
19 to do two days off. They came down to do a verbal. 19:50:46
20 So... 19:50:50

21 Q Did you get an explanation as to why? 19:50:51

22 A Absolutely not. 19:50:54

3031
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

188

1 Q And who did you send that up to? 19:51:05

2 A It went through my battalion chief, and 19:51:09

3 so it went at least to the deputy chief. I honestly 19:51:11

4 don't know if it goes to an assistant chief for a 19:51:15

5 verdict on those or not. We really don't know where 19:51:19

6 in the process the decision comes from. 19:51:22

7 (Defendant's Exhibit No. 562 was 14:10:28

8 marked for identification.) 14:10:28

9 BY MS. REWARI: 19:51:33

10 Q Let me show you Defendant's Exhibit 562. 19:51:35

11 A Are we done with 561? 19:51:39

12 Q Yes. 19:51:42

13 A Okay. 19:51:55

14 Q Do you recognize this oral reprimand that 19:51:56

15 you issued? 19:51:58

16 A Yes. 19:51:58

17 Q June 2011? 19:51:58

18 A Yes. 19:52:00

19 Q Is this one that you initiated? 19:52:00

20 A No. 19:52:02

21 Q What happened here in this circumstance? 19:52:02

22 This involved a lieutenant, right? 19:52:07

3032
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

229

1	firefighters?	20:45:33
2	MS. REWARI: Objection to form. Lacks	20:45:34
3	foundation. He's not a Captain II.	20:45:35
4	MS. FAULMAN: I said "I". I'm sorry. If	20:45:35
5	I didn't, I mean to say "I".	20:45:35
6	MS. REWARI: Okay.	20:45:35
7	BY MS. FAULMAN:	20:45:39
8	Q As a Fire Captain I, do you have the	20:45:39
9	authority to assign overtime to off-duty	20:45:41
10	firefighters?	20:45:43
11	A No.	20:45:44
12	Q As a Fire Captain I, do you approve leave	20:45:44
13	or do you -- do you give somebody permission to use	20:45:48
14	their leave?	20:45:52
15	A No.	20:45:53
16	Q Have you ever denied somebody permission	20:45:55
17	to use their leave?	20:45:58
18	A No.	20:45:59
19	Q As a Fire Captain I or Captain I, do you	20:46:01
20	set minimum staffing levels?	20:46:05
21	A No.	20:46:06
22	Q How much time do you spend doing	20:46:14

230

1 performance appraisals each year? 20:46:16

2 A Me -- me actually writing them or me 20:46:21

3 writing them and approving -- being the reviewing 20:46:24

4 authority the ones -- 20:46:25

5 Q Both. If you could break it out. 20:46:26

6 A I would say probably ten hours with 17 20:46:30

7 people. 20:46:34

8 Q And is that in both roles that you 20:46:35

9 just discussed? 20:46:38

10 A In both roles, yes. 20:46:38

11 Q And who fills out the evaluations for the 20:46:44

12 individuals that you don't -- that you're not the 20:46:47

13 initial reviewer on? 20:46:50

14 A The lieutenants fill out the ones that -- 20:46:53

15 if I understand your question correctly, if I'm the 20:46:57

16 reviewing authority, the lieutenants filled that out. 20:47:00

17 Q Thank you. 20:47:02

18 A The lieutenant did the ER. 20:47:03

19 Q And are you familiar with Section B of 20:47:05

20 the evaluation? It deals with -- Section B states: 20:47:08

21 "Don't complete this section if the employee does not 20:47:14

22 supervise others," and then it lists six different 20:47:17

3034
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

235

1 employees actually delivered the training? 20:51:37

2 A Technicians or master technicians. On 20:51:41

3 occasion a lieutenant may have done it when I was 20:51:45

4 off. The lieutenant that filled in for me likes to 20:51:48

5 do that sometimes. 20:51:51

6 Q We looked at one e-mail from you that you 20:51:55

7 called "Additions to a possible wish list." Do you 20:51:59

8 recall that? 20:52:03

9 A Yes. 20:52:03

10 Q With the exception of that e-mail, have 20:52:04

11 you done any other budget or wish list requests as a 20:52:05

12 Captain I? 20:52:09

13 A That one would have been to -- 20:52:10

14 Q And it's Exhibit 550 if you need to -- 20:52:17

15 A On a yearly basis the station captain 20:52:20

16 will say, Hey, anything you guys can -- want to ask 20:52:22

17 for in the budget, and we'll provide input if there's 20:52:25

18 something we want. No guarantee we're getting 20:52:29

19 anything. Again, that's a wish list as well. 20:52:32

20 Q Okay. And approximately how much time do 20:52:35

21 you spend doing wish lists per year? 20:52:37

22 A Ten minutes. 20:52:41

3035
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

236

1	Q	Do you have any purchasing authority as a	20:52:42
2		Captain I?	20:52:44
3	A	Zero.	20:52:45
4	Q	Do you have a fire department credit	20:52:48
5		card?	20:52:49
6	A	No, I do not.	20:52:50
7	Q	We talked about station policy books. Do	20:52:53
8		you recall that? Have you, as a Captain I, updated	20:52:56
9		any of the station policies at Station 40?	20:53:00
10	A	No, I have not.	20:53:02
11	Q	We just discussed that your shift spends	20:53:12
12		approximately three to five hours on training per	20:53:15
13		day.	20:53:18
14	A	On average. Some days -- on hazmat days,	20:53:18
15		it's sometimes eight to nine. It can vary.	20:53:20
16	Q	If you're not leading the training, what	20:53:23
17		are you doing during those training sessions?	20:53:25
18	A	Participating.	20:53:27
19	Q	Who would lead the training sessions?	20:53:29
20	A	It depends. Sometimes it's the truck	20:53:33
21		lieutenant, sometimes it's the truck driver. It	20:53:35
22		depends on whether we're doing suppression training	20:53:37

3036
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

237

1 or hazmat training. If we're doing hazmat training, 20:53:39
2 obviously it's one of my technicians that is leading 20:53:43
3 what -- or we're going over what the capabilities 20:53:46
4 are. If -- it just depends on what the training is. 20:53:47
5 But anywhere from the firefighter -- from 20:53:53
6 firefighter to me can deliver training, anywhere in 20:53:55
7 between. 20:53:58
8 Q And are you permitted to issue discipline 20:53:58
9 without sending it up to the chain of command? 20:54:02
10 A Absolutely not. 20:54:06
11 Q And how much time have you spent 20:54:07
12 reporting violations of rules up the chain of command 20:54:08
13 since January of 2011, if you can provide an 20:54:11
14 estimate? 20:54:13
15 A January 2011, how much time have I spent 20:54:14
16 requesting -- sending -- 20:54:18
17 Q Reporting violations up the rules of 20:54:19
18 command -- up the chain of command. 20:54:22
19 A Two to three hours. 20:54:40
20 Q And is that total? 20:54:41
21 A Probably, yes. 20:54:43
22 Q What is your most important job duty as a 20:54:44

3037
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

238

1	Captain I?	20:54:47
2	A Responding to incident calls.	20:54:47
3	Q And you respond on the hazmat unit,	20:54:49
4	correct?	20:54:49
5	A Correct.	20:54:51
6	Q If you are working that shift, does	20:54:52
7	your -- and you are assigned to the hazmat unit,	20:54:56
8	does that apparatus respond to a call without you on	20:54:59
9	it?	20:55:01
10	A No, it does not.	20:55:02
11	Q Do you go on the same number of calls as	20:55:03
12	your -- as your subordinates who are assigned to that	20:55:05
13	apparatus?	20:55:09
14	A Yes.	20:55:10
15	MS. REWARI: Object to form.	20:55:10
16	BY MS. FAULMAN:	20:55:10
17	Q When you go to -- when you're dispatched	20:55:24
18	to a call that involves EMS care, what do you do on	20:55:27
19	the scene as a Captain I?	20:55:32
20	A It depends on the scenario. I do	20:55:34
21	whatever needs to be done. If it's a CPR, the goal	20:55:37
22	would be that I log when drugs were given, but on	20:55:41

3038
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

239

1 numerous incidents when involving a CPR, I'm down 20:55:47
2 giving -- actually doing the compressions. So it 20:55:52
3 just varies on where we were, are the medics there 20:55:54
4 yet. It can depend. I can be anywhere from heavily 20:55:57
5 involved taking blood pressures to just like on a CPR 20:56:02
6 where I'm documenting, okay, at 08:00 we administered 20:56:06
7 this drug, whatever the medics and stuff do. So I 20:56:10
8 just log it because it's a legal record. 20:56:14
9 Q Would you consider that there was a major 20:56:15
10 problem with the call if you had to actually perform 20:56:17
11 primary EMS care? 20:56:20
12 A No. 20:56:22
13 Q And you mentioned that your unit may add 20:56:24
14 on to certain calls. Do you recall that? 20:56:28
15 A Mm-hmm. 20:56:29
16 Q What other -- are captains the only ranks 20:56:30
17 that can choose to add on to a call? 20:56:33
18 A No, any rank can add on to a call if they 20:56:36
19 determine they're closer and can provide aid. 20:56:39
20 Q You stated that the hazmat unit never 20:56:51
21 goes out of service; is that correct? 20:56:53
22 A Correct. 20:56:55

3039
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

240

1 Q And so is it true that no matter what 20:56:56
2 you're doing, if the hazmat unit is dispatched, 20:57:03
3 you're required to respond? 20:57:06

4 A Yes. 20:57:07

5 Q And even if you're in a training; is that 20:57:07
6 correct? 20:57:07

7 A Absolutely. 20:57:09

8 Q And even if you were leading one of those 20:57:09
9 refresher or participating in one of the refresher 20:57:12
10 courses. 20:57:15

11 A Absolutely. 20:57:16

12 Q And we looked at a lot of e-mails. For 20:57:16
13 example, we looked at one dealing with a Girl Scout 20:57:20
14 troop requesting to come in for a tour. Do you 20:57:24
15 recall that e-mail? 20:57:29

16 A Yes. 20:57:29

17 Q If you were reviewing or forwarding that 20:57:30
18 e-mail on, and the hazmat unit was dispatched, what 20:57:32
19 would you do? 20:57:35

20 A We're going to run the call. 20:57:36

21 Q If I can have you look at Exhibit 541. 20:57:43

22 And is that true that you would run the 20:57:48

241

1	call if you were doing physical fitness as well?	20:57:49
2	A Absolutely.	20:57:52
3	Q What about performance appraisals?	20:57:53
4	A Absolutely. You run the call.	20:57:54
5	Q And what about reporting any disciplinary	20:57:56
6	infractions?	20:57:59
7	A Running the call.	20:57:59
8	Q Are you -- do you see Exhibit 541?	20:58:02
9	A Yes.	20:58:05
10	Q And what if you were actually conducting	20:58:14
11	the tour with the Girl Scout troop and a call went	20:58:17
12	out, would you finish the tour or would you go on the	20:58:21
13	call?	20:58:24
14	A If I'm leading it, then we are running	20:58:24
15	the call. If it empties the station, somebody has to	20:58:27
16	get them out of the station and make sure the door is	20:58:30
17	locked, and then we all run the call.	20:58:33
18	Q Now, in this e-mail you are discussing an	20:58:36
19	individual who you would throw his name into a hat --	20:58:40
20	or, actually, no, I'm sorry. This was where you were	20:58:44
21	requesting to have somebody else certified as	20:58:46
22	HMO-qualified, correct?	20:58:50

3041
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

242

1	A	Correct.	20:58:51
2	Q	Do people get paid more? Is there like a	20:58:51
3		pay increase associated with HMO qualification?	20:58:54
4	A	There is no pay difference for hazmat.	20:58:57
5		Any hazmat certification.	20:59:00
6	Q	Okay. And there was some discussion in	20:59:02
7		the e-mail from James Walsh to you about budget	20:59:05
8		issues, and that there could be absolutely no	20:59:09
9		overtime associated with that training.	20:59:11
10	A	Yes.	20:59:13
11	Q	Do you see that?	20:59:13
12		Did you have any say with respect to the	20:59:14
13		budget issues?	20:59:17
14		MS. REWARI: Object to form.	20:59:18
15		BY MS. FAULMAN:	20:59:18
16	Q	As a Captain I?	20:59:19
17		MS. REWARI: Object to form.	20:59:20
18		BY MS. FAULMAN:	20:59:20
19	Q	Was it your -- were you requesting to get	20:59:22
20		somebody else certified?	20:59:30
21	A	Yes.	20:59:31
22	Q	And what was one reason that was standing	20:59:32

243

1	in the way of getting -- having that happen?	20:59:35
2	MS. REWARI: Object to form.	20:59:40
3	BY MS. FAULMAN:	20:59:40
4	Q According to this e-mail.	20:59:41
5	MS. REWARI: Object to form.	20:59:42
6	THE WITNESS: Budget. Our manual --	20:59:43
7	our -- the hazmat manual calls for six days where,	20:59:46
8	instead of four people on the hazmat unit, I ride	20:59:51
9	with five to train this person as an internship.	20:59:54
10	That way if we run a call, they are with me. They're	20:59:57
11	not in the back doing research. I'm not down a	21:00:01
12	person. Because it's a critical -- critical thing	21:00:04
13	that -- I can't go down because I could have people	21:00:06
14	doing anything from talking with a New Mexico tech	21:00:09
15	about, you know, explosives incident; they could be	21:00:13
16	calling a manufacturer for stuff. So I can't -- it's	21:00:16
17	critical that I don't go down a person. The person	21:00:18
18	that we're training needs to be with me at the	21:00:21
19	command post because it's a little bit of a different	21:00:24
20	world than we're used to.	21:00:27
21	However, in this regard, that wasn't	21:00:29
22	happening. I -- he's essentially taken one body away	21:00:32

244

1 from me so I can train someone. 21:00:36

2 Q And -- 21:00:36

3 A And I acknowledged the fact that we were 21:00:37
4 in a tight budget, and I would -- you know, I just 21:00:39
5 needed to get somebody done. That was the bottom 21:00:40
6 line. I don't care what constraints you put on me at 21:00:43
7 this point. 21:00:46

8 Q Did you have the authority to override 21:00:46
9 these budgetary constraints? 21:00:49

10 A No, I did not. 21:00:51

11 Q Okay. And if you were drafting this 21:00:52
12 e-mail or reading the e-mail from James Walsh and a 21:00:53
13 call came through, what would you have done? 21:00:56

14 A Run the call. 21:01:00

15 Q If you can look at Exhibit 543. 21:01:00

16 A Yes. 21:01:12

17 Q Approximately how much time would you 21:01:15
18 have spent on this proposal? Or did you spend on 21:01:19
19 this proposal? 21:01:22

20 A This was a 45-minute to one-hour 21:01:27
21 teleconference. 21:01:34

22 Q And was it your decision that the budget 21:01:39

3044
VIDEOTAPED DEPOSITION OF CAPTAIN JOHN ELLIS HIGGINBOTHAM, II
CONDUCTED ON MONDAY, JUNE 9, 2014

245

1	needed to be reduced?	21:01:41
2	A No, it was not.	21:01:42
3	Q And again, if you were on that telephone	21:01:47
4	conference and a call came through, would you have	21:01:50
5	responded to the call?	21:01:52
6	A I was actually off duty when we did this.	21:01:54
7	However, the unit that was on duty would have done	21:01:57
8	that.	21:02:00
9	Q Okay. The e-mail that you sent about the	21:02:00
10	homeowners' association requesting to use the	21:02:28
11	facility, do you recall that e-mail?	21:02:31
12	A I recall the e-mail, yes.	21:02:32
13	Q Could any other rank other than a captain	21:02:34
14	have sent that e-mail?	21:02:36
15	MS. REWARI: Object to form.	21:02:37
16	THE WITNESS: Yes, they can and routinely	21:02:40
17	happens.	21:02:42
18	BY MS. FAULMAN:	21:02:43
19	Q And what ranks would that include?	21:02:43
20	A All ranks.	21:02:44
21	Q Including firefighters?	21:02:45
22	A Absolutely.	21:02:46

251

1 Q Okay. And I apologize for kind of 21:08:08
2 jumping all over here. 21:08:10

3 But when your lieutenants fill out the 21:08:11
4 performance evaluations for their subordinates, do 21:08:14
5 they hold a similar meeting that you hold when you 21:08:18
6 are performing the -- 21:08:21

7 A Yes. 21:08:23

8 Q And do you sit in with them? 21:08:23

9 A No. 21:08:25

10 Q Okay. At what point in your career with 21:08:56
11 Fairfax can one sit for a captain's promotional exam? 21:08:58
12 Is there a requirement that you work for so many 21:09:02
13 years? 21:09:05

14 A I -- I believe it's seven years minimum. 21:09:05
15 I could be wrong. I don't remember. 21:09:10

16 Q And when did you -- how many years into 21:09:11
17 your career was it before you took the captain's 21:09:14
18 test? 21:09:18

19 A Seventeen. 21:09:21

20 Q And is there any particular reason that 21:09:22
21 you waited 10 years beyond the minimum? 21:09:24

22 A I waited to be in my longevity step. 21:09:30

252

1 Q And what do you mean by that? 21:09:33

2 A I waited until I had my 15 longevity 21:09:34

3 step. Once you're in your longevity, you stay in 21:09:38

4 longevity. 21:09:42

5 Q And why would that have influenced your 21:09:42

6 decision to -- 21:09:45

7 A The drop from lieutenant -- the drop -- 21:09:45

8 you actually drop. If you're a lieutenant getting 21:09:47

9 promoted to captain, you actually drop and lose money 21:09:50

10 if you're not in longevity. So if you're in 21:09:53

11 longevity, you say -- I was in a 10, I stayed in a 21:09:57

12 10. If I would have been a 9 -- 9, I would have 21:09:58

13 probably dropped back to an 8 or a 7. So you -- with 21:10:02

14 the -- you actually wind up losing money. 21:10:04

15 Q Okay. So unless you're in a step 10, a 21:10:09

16 promotion to captain may result in your salary being 21:10:12

17 less than you earned as a lieutenant? 21:10:15

18 A If you're working in the field, it will 21:10:17

19 result in you making less money as a lieutenant. 21:10:19

20 Q Okay. 21:10:19

21 MS. FAULMAN: I have no further 21:10:31

22 questions. 21:10:32

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :
-----x

VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
McLean, Virginia
Wednesday, May 28, 2014
4:16 p.m.

Job No.: 59000
Pages: 1 - 163
Reported By: Joan V. Cain

3048
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

27

1 Q I see that you were awarded the bronze 16:33:53

2 medal of valor in April of 2011. What was that for? 16:33:55

3 A That was for, I was on my way to work and I 16:33:59

4 was assigned to Station 24 at the time, and there 16:34:05

5 was an accident on I95 northbound and there was a 16:34:08

6 family within a car that was trapped, and I just 16:34:13

7 helped extricate, get the family out of the car. 16:34:18

8 Q Any other awards for valor? 16:34:21

9 A No. That was it. 16:34:23

10 Q Any other commendations or recognitions 16:34:26

11 other than the ones that are reflected on your 16:34:30

12 resume? 16:34:32

13 A No, that was it. These are all, mm-hmm. 16:34:41

14 Q Since the time you've been employed by the 16:34:45

15 department, have you suffered any on-the-job 16:34:47

16 injuries? 16:34:52

17 A Yes. 16:34:52

18 Q Tell us about those, please. 16:34:52

19 A Sprained ankles within the 26 years I've 16:34:54

20 been here, sprained foot. What else? An eye 16:34:58

21 injury. That's pretty much what I can recall. 16:35:08

22 Q Any of those cause you to go on light duty? 16:35:12

3049
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

28

1	A	No.	16:35:14
2	Q	When were you last injured?	16:35:19
3	A	I cannot recall my last injury.	16:35:20
4	Q	Did any of those injuries cause you to miss	16:35:26
5		work?	16:35:29
6	A	A few days of work, not light duty, though,	16:35:29
7		stay-at-home time.	16:35:32
8	Q	And when would that have been?	16:35:36
9	A	I can't recall. I can't give you exact	16:35:38
10		dates.	16:35:40
11	Q	Been years and years ago?	16:35:40
12	A	Yes, years.	16:35:41
13	Q	The last time you were injured, do you	16:35:52
14		remember what your position was?	16:35:54
15	A	Might have been Captain II.	16:36:00
16	Q	So --	16:36:04
17	A	Maybe assigned to Station 24, maybe. I	16:36:05
18		think I might have strained my foot.	16:36:08
19	Q	Do you recall the specifics of that? I see	16:36:14
20		you were at 24 from June of 2009 until July of last	16:36:17
21		year.	16:36:21
22	A	No, I can't recall the specifics. I just	16:36:24

3050
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

29

1 remember one time I was injured there, and I was 16:36:26
2 getting off the rig and stepped down after returning 16:36:29
3 from a call and took a bad fall. 16:36:32

4 Q Took a bad step? 16:36:34

5 A Basically. 16:36:36

6 Q Did you ever have to go to the emergency 16:36:38
7 room for any of the injuries that you've mentioned? 16:36:40

8 A No. 16:36:43

9 Q Captain, I have a couple questions for you 16:36:51
10 about the structure of the fire department. Can you 16:36:53
11 describe the hierarchy at the department starting at 16:36:55
12 the top? 16:36:59

13 A You have the fire chief, you have assistant 16:36:59
14 chiefs, deputy chiefs, battalion chiefs, Captain 16:37:02
15 IIs, Captain Is, lieutenants, master technicians, 16:37:10
16 technicians, fire medics, firefighter, and recruit 16:37:19
17 firefighter. 16:37:22

18 Q Fire medics, firefighter, what was the last 16:37:23
19 one? 16:37:26

20 A Recruit firefighter. 16:37:26

21 Q Recruit firefighter? 16:37:27

22 A Mm-hmm. 16:37:28

3051
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

68

1 A No, I don't. 17:36:59

2 Q For other conduct besides tardiness, how do 17:37:03
3 you decide when to issue an oral or a written 17:37:10
4 reprimand? 17:37:13

5 A I do not decide when to give an oral or 17:37:17
6 written reprimand. All discipline is handed down 17:37:20
7 from the battalion chief or the deputy chief. 17:37:26

8 Q Well, how does the battalion chief or the 17:37:27
9 deputy chief learn of a disciplinary issue? 17:37:30

10 A We notify them of the infraction. 17:37:33

11 Q So when you say we, you mean? 17:37:35

12 A Myself or a lieutenant. 17:37:36

13 Q So you're involved in the process, right? 17:37:41

14 A Yes. 17:37:43

15 Q You're providing information to the 17:37:43
16 battalion chief, someone senior to you? 17:37:46

17 A Correct. 17:37:48

18 Q And is it customary for you to recommend a 17:37:49
19 disciplinary response? 17:37:51

20 A No, it's not customary. We would provide 17:37:56
21 the necessary information according to the 17:37:58
22 infraction and we will go into the employee's file 17:38:01

3053
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

69

1 to see if it has occurred before and then try to 17:38:05
2 submit that information to the battalion chief and 17:38:13
3 then they submit it to the deputy chief. 17:38:15

4 Q Could a -- I'm sorry. I didn't mean to 17:38:17
5 interrupt you. Were you done? 17:38:19

6 A No. I was saying and then the deputy, from 17:38:20
7 what I was told, has to provide that information to 17:38:23
8 the assistant chief before any discipline is 17:38:25
9 actually administered. 17:38:27

10 Q Could a lieutenant issue an oral reprimand 17:38:28
11 without your approval? 17:38:31

12 A Yes, according from base -- if I wasn't in 17:38:32
13 place and that lieutenant went through the battalion 17:38:37
14 chief and, like I said before, the battalion chief 17:38:41
15 talked to the deputy and the assistant chief. 17:38:43

16 Q So if you're not there, the lieutenant 17:38:45
17 would go to someone superior to you? 17:38:48

18 A Correct. 17:38:49

19 Q But could a lieutenant issue an oral 17:38:49
20 reprimand without someone's approval further up the 17:38:52
21 chain of command? 17:38:55

22 A Not that I'm aware of, no. Not that I'm 17:38:56

3053
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

141

1	with your job on your personal laptop?	19:14:30
2	A I keep it on a USB drive.	19:14:32
3	Q So that you can take the drive and not the	19:14:36
4	computer back and forth?	19:14:39
5	A Correct.	19:14:40
6	Q That's all the questions I have right now.	19:14:49
7	Thank you, sir.	19:14:51
8	MR. COPLOFF: Can we take a take a quick	19:14:56
9	break?	19:14:59
10	THE VIDEOGRAPHER: We'll go off the record.	19:15:01
11	The time is 19:15.	19:15:03
12	(Recess.)	19:15:05
13	THE VIDEOGRAPHER: We'll go back on the	19:19:16
14	record. The time is 19:19.	19:19:17
15	EXAMINATION BY COUNSEL FOR PLAINTIFFS	19:19:20
16	BY MR. COPLOFF:	19:19:20
17	Q Captain Jackson, I have a few questions for	19:19:21
18	you. As a Fire Captain II, do you have the	19:19:23
19	authority to assign overtime to off-duty	19:19:27
20	firefighters?	19:19:30
21	A No.	19:19:30
22	Q As a Fire Captain II, do you approve leave?	19:19:30

3054
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

142

1	A	No.	19:19:34
2	Q	As a Fire Captain II, do you set minimum	19:19:34
3		staffing levels?	19:19:37
4	A	No.	19:19:38
5	Q	You talked a little bit earlier about	19:19:38
6		performance evaluations. How much time on average	19:19:40
7		do you spend doing performance evaluations each	19:19:42
8		year?	19:19:44
9	A	Wow. It's roughly an hour to hour and a	19:19:49
10		half per person. I will have maybe three or four	19:19:55
11		subordinates, so that's probably about 5, 6 hours.	19:20:00
12	Q	And you talked a little about lieutenants	19:20:05
13		doing performance evaluations. Do you remember	19:20:09
14		that?	19:20:11
15	A	Yes.	19:20:11
16	Q	Do lieutenants sign performance evaluations	19:20:11
17		of their subordinates?	19:20:13
18	A	They sign it, yes.	19:20:14
19	Q	You talked a little bit about budget	19:20:17
20		requests or wish lists. How much time on average	19:20:19
21		each year do you spend on your wish list?	19:20:21
22	A	Approximately same thing, about an hour and	19:20:29

3055
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

143

1 a half to two. 19:20:32

2 Q And how much time do you spend each year 19:20:33

3 reviewing and updating station policies? 19:20:36

4 A On average each year, maybe 2 hours. 19:20:41

5 Q You talked a little about physical fitness 19:20:47

6 earlier. How much time on each shift are you 19:20:50

7 engaged in physical fitness on average? 19:20:52

8 A We're allotted 2 hours, but that's 19:20:54

9 depending on the call volume. 19:20:57

10 Q Calls take precedence over physical 19:20:59

11 fitness? 19:21:02

12 A Yes, they do. 19:21:03

13 Q You said earlier that training's important. 19:21:04

14 What kind of training would you be performing on 19:21:06

15 your shifts? 19:21:08

16 A There's various drills we do. Suppression 19:21:09

17 training, where we're pull in hose lines, deploying 19:21:12

18 ladders, deploying hose lines, extrication drills, 19:21:16

19 search-and-rescue drills. 19:21:20

20 Q Do you participate in the drills that you 19:21:22

21 just mentioned? 19:21:24

22 A Yes, I do. 19:21:24

3056
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

145

1	BY MR. COPLOFF:	19:22:19
2	Q Can you issue discipline without sending up	19:22:19
3	the chain of command for approval?	19:22:21
4	A No, never.	19:22:23
5	Q How much time have you spent reporting	19:22:26
6	violations of rules up the chain of command since	19:22:29
7	January 2011?	19:22:31
8	A 2011?	19:22:31
9	Q Yeah.	19:22:33
10	A How many hours?	19:22:35
11	Q How much time?	19:22:35
12	A How much time? Wow. Maybe 3 hours, maybe.	19:22:37
13	Q Total?	19:22:42
14	A Total.	19:22:42
15	Q What is your most important job duty as a	19:22:47
16	Captain II?	19:22:50
17	MR. POWELL: Objection.	19:22:50
18	BY MR. COPLOFF:	19:22:51
19	Q You can answer.	19:22:51
20	A My most important job would be to make sure	19:22:52
21	that we are in a state of readiness every shift 24	19:22:54
22	hours, making sure that we are ready to go when the	19:22:58

3057
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

146

1 911 -- 911 call comes in, making sure that everybody 19:23:04
2 from firefighter to myself are ready to go. 19:23:13
3 Q And do you as a Captain II go to calls when 19:23:16
4 they come in? 19:23:19
5 A Yes. 19:23:21
6 Q And what tasks do you as a Captain II 19:23:21
7 perform on a fire scene or an emergency scene as a 19:23:23
8 Captain II? 19:23:26
9 A Same as a firefighter. 19:23:26
10 Q What tasks would those be? 19:23:28
11 A I can end up deploying a hose line, 19:23:29
12 utilizing forcible entry twos, deploying ground 19:23:34
13 ladders. I can position apparatus as well. I 19:23:40
14 perform emergency medical services as well. 19:23:44
15 Q What apparatus are you generally assigned 19:23:51
16 to? 19:23:53
17 A Engine company. 19:23:53
18 Q And does that apparatus ever respond to a 19:23:54
19 call without you on it? 19:23:57
20 A Never. 19:23:58
21 Q Do you go on the same number of calls as 19:23:59
22 your subordinates assigned to the engine company? 19:24:02

3058
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

147

1	A	Yes.	19:24:04
2	Q	If the tone goes off in the station, what	19:24:06
3		do you do?	19:24:09
4	A	I go on the call.	19:24:10
5	Q	What if you're performing training?	19:24:11
6	A	I go on the call.	19:24:13
7	Q	What if you're performing physical fitness?	19:24:16
8	A	We go on a call. We stop.	19:24:18
9	Q	What if you're filling out a performance	19:24:20
10		appraisal and the tone goes off?	19:24:23
11	A	We stop doing what we're doing and go on a	19:24:24
12		call.	19:24:27
13	Q	And if you're reporting violations of the	19:24:27
14		rules, what do you do if the tones go off?	19:24:28
15	A	We go on the call.	19:24:30
16	Q	That's all I have.	19:24:33
17		FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT	19:24:37
18		BY MR. POWELL:	19:24:37
19	Q	Captain, when you go on a call, let's just	19:24:38
20		say hypothetically you go to a call and a building	19:24:41
21		is on fire, who's in charge at the scene?	19:24:44
22	A	It depends on the arriving units.	19:24:47

3059
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

148

1	Q	If you're on the scene, aren't you in	19:24:52
2		charge of the firefighters' response to the	19:24:54
3		emergency?	19:24:57
4	A	No.	19:24:57
5	Q	Pardon me?	19:24:58
6	A	No.	19:24:58
7	Q	Who is, if you're not?	19:24:59
8	A	It depends on the arrival of the -- the	19:25:00
9		units on the scene.	19:25:03
10	Q	If you're on the scene, is there anybody	19:25:04
11		there senior to you?	19:25:05
12	A	Yes.	19:25:07
13	Q	Who?	19:25:07
14	A	Battalion chief.	19:25:08
15	Q	If the battalion chief is not there, are	19:25:09
16		you the most senior officer on the scene?	19:25:11
17	A	Not necessarily, no.	19:25:13
18	Q	Who else would be, but if it's not you and	19:25:14
19		if the battalion chief is not there?	19:25:17
20	A	It could be a lieutenant who will be the	19:25:19
21		incident commander.	19:25:21
22	Q	Will the lieutenant be the incident	19:25:22

3060
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

149

1	commander if you're on the scene?	19:25:25
2	A Yes, sir.	19:25:26
3	Q And is the lieutenant then telling you what	19:25:26
4	to do?	19:25:29
5	A Yes, sir.	19:25:29
6	Q And you don't have the authority to say no,	19:25:30
7	I'm in charge?	19:25:32
8	A No.	19:25:32
9	Q How is it that the lieutenant, somebody	19:25:33
10	who's junior to you in the chain of command, is	19:25:36
11	running the -- running the response at a particular	19:25:38
12	fire?	19:25:40
13	A Because according to our protocols and	19:25:40
14	procedures that mitigate how our units arrive on a	19:25:43
15	scene, for instance our second engine company, it	19:25:49
16	could have a -- a lieutenant on it. That person	19:25:51
17	will be our incident commander.	19:25:54
18	Q So if he gets there first?	19:25:56
19	A If he gets there according to our	19:25:57
20	procedures.	19:25:59
21	Q You say that when you respond to a call,	19:26:02
22	you can do the same duties as any firefighter,	19:26:05

3061
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

154

1	reviewing it.	19:29:50
2	Q Someone senior to them has to review it and	19:29:51
3	approve it?	19:29:54
4	A Yes. It's not necessarily a captain who's	19:29:55
5	doing it.	19:29:57
6	Q But it could be?	19:30:01
7	A Could be, yes.	19:30:02
8	Q Let me go back to our discussion about what	19:30:28
9	happens at an incident. If you get to a fire and a	19:30:33
10	lieutenant is the incident commander and he or she	19:30:36
11	is making decisions that you think are unwise, do	19:30:39
12	you have the authority to intervene and take over	19:30:44
13	command?	19:30:46
14	MS. KILLALEA: Let the record reflect	19:30:55
15	Mr. Kuley's shaking his head no.	19:30:57
16	BY MR. POWELL:	19:30:59
17	Q Did you understand my question?	19:31:02
18	A Can you repeat it?	19:31:02
19	Q Yes, sir. We were talking a little bit	19:31:04
20	earlier about what happens -- who's the incident	19:31:06
21	commander.	19:31:09
22	A Correct.	19:31:10

3063
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

155

1 Q If you get to a fire and lieutenant is the 19:31:10
2 incident commander -- 19:31:12

3 A Mm-hmm. 19:31:14

4 Q -- do you have the authority to step in if 19:31:14
5 you think he's making mistakes and take control? 19:31:17

6 A Do I have the authority? I would say no, I 19:31:21
7 do not have the authority. I can give that person 19:31:24
8 suggestions. 19:31:27

9 Q So if -- if you get to a fire scene and a 19:31:28
10 lieutenant is making decisions that you know are 19:31:31
11 wrong and dangerous and you make suggestions and he 19:31:34
12 says, sorry, Captain, I'm going to do it my way, are 19:31:37
13 you telling me that you're not going to intervene 19:31:43
14 and take control? 19:31:45

15 MR. COPLOFF: Objection. Calls for 19:31:47
16 speculation. 19:31:48

17 BY MR. POWELL: 19:31:48

18 Q You're going to let him carry forward with 19:31:48
19 decisions that you disagree with? 19:31:50

20 MR. COPLOFF: Objection. Calls for 19:31:51
21 speculation. 19:31:53

22 You can answer. 19:31:53

3063
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

156

1 THE WITNESS: Okay. If -- if that person 19:31:54
2 is making unsafe, sound decisions that's going to 19:31:55
3 cause people to -- lives to be lost, such as 19:31:59
4 firefighters' lives to be lost and it's a serious 19:32:04
5 life hazard at hand, I would make a suggestion to 19:32:08
6 that person to change their tactics, then notify the 19:32:11
7 battalion chief on the radio as to what is going on 19:32:16
8 and go with their discretion. 19:32:18
9 BY MR. POWELL: 19:32:20
10 Q Is there an SOP that covers this situation? 19:32:20
11 A There is -- hmm. Let me think. I don't 19:32:29
12 think there's an SOP that covers this specific 19:32:36
13 situation that you just stated. 19:32:38
14 Q Do lives have to be at risk before you feel 19:32:40
15 like you are justified in intervening and taking 19:32:43
16 control? 19:32:45
17 A For me to take control? 19:32:47
18 MR. COPLOFF: Objection. You can answer. 19:32:49
19 THE WITNESS: You say go ahead and answer? 19:32:51
20 MR. COPLOFF: Yeah. 19:32:52
21 THE WITNESS: I would -- I wouldn't take 19:32:53
22 control. I would try to, like I said before -- no, 19:32:54

3064
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

157

1	lives do not have to be at risk. I would try to	19:32:59
2	give that person some type of guidance as to their	19:33:04
3	strategy and tactics.	19:33:07
4	BY MR. POWELL:	19:33:08
5	Q Time is of the essence when a fire's going	19:33:09
6	on, isn't it?	19:33:11
7	A Always.	19:33:12
8	Q So if the lieutenant is making decisions	19:33:12
9	whether jeopardizing property or jeopardizing life	19:33:15
10	and you're on the scene and you think the lieutenant	19:33:19
11	is making bad decisions, don't you have the	19:33:21
12	authority to take control of the scene?	19:33:23
13	A No.	19:33:25
14	MR. COPLOFF: Same objections.	19:33:27
15	BY MR. POWELL:	19:33:28
16	Q You're telling me you don't have the	19:33:28
17	authority on your own to take control of a scene?	19:33:29
18	A No.	19:33:31
19	Q You can let the building burn down and	19:33:31
20	lives be lost because you lack that authority?	19:33:34
21	MR. COPLOFF: Same objection.	19:33:36
22	BY MR. POWELL:	19:33:37

3065
VIDEOTAPED DEPOSITION OF ANTHONY LEROY JACKSON
CONDUCTED ON WEDNESDAY, MAY 28, 2014

158

1	Q	Is that what you're saying? Is that your	19:33:37
2		testimony?	19:33:39
3	A	Yes.	19:33:39
4		MR. POWELL: I have no more questions.	19:33:40
5		FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS	19:34:10
6		BY MR. COPLOFF:	19:34:10
7	Q	Does someone have to review evaluations	19:34:12
8		that you perform as a Captain II?	19:34:14
9	A	Yes.	19:34:16
10	Q	Who?	19:34:17
11	A	The battalion chief.	19:34:17
12	Q	You can't issue a final performance	19:34:21
13		evaluation without it being approved by someone	19:34:22
14		else, correct?	19:34:25
15	A	Correct.	19:34:25
16	Q	If there was a safety issue on a fire	19:34:27
17		scene, can anyone report that safety issue?	19:34:29
18	A	Yes, they can.	19:34:31
19	Q	Anyone in any position?	19:34:32
20	A	Anyone in any position, from a firefighter	19:34:34
21		up.	19:34:36
22		MR. COPLOFF: That's all I have.	19:34:41

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :
-----x

Videotaped Deposition of REGINALD T. JOHNSON
McLean, Virginia
Thursday, May 29, 2014
2:25 p.m.

Job No.: 59681

Pages: 1 - 154

Reported By: Rebecca Stonestreet, RPR, CRR

3067
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

33

1 Q And the bronze medal, that's an award for 14:49:42
2 valor, isn't it? 14:49:45

3 A Yes. But that was not from this 14:49:46
4 department. 14:49:48

5 Q Okay. That's right. It's -- 14:49:48

6 A That was from Prince George County Fire 14:49:48
7 Department. 14:49:51

8 Q What was your involvement on September 11 14:49:51
9 that led to the Pentagon award? 14:49:56

10 A We were -- obviously, we were working 14:49:58
11 that day, and we were, I guess, considered the 14:50:01
12 forward sector, just getting prepared and ready to 14:50:04
13 replace those units that were already on scene. 14:50:10
14 That was basically it as far as my specific 14:50:13
15 enrollment -- or involvement in that. 14:50:16

16 Q Since you've been working for the 14:50:18
17 department, have you suffered any on-the-job 14:50:21
18 injuries? 14:50:23

19 A I have. 14:50:23

20 Q Can you summarize those for me, please? 14:50:24

21 A One of our tanker rollovers on the 14:50:27
22 Beltway, sprained my ankle real bad; was off for 14:50:34

3068
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

34

1 several weeks. I had a couple of minor cuts here 14:50:38
2 and there, some requiring stitches. But nothing 14:50:41
3 major other than that. 14:50:46

4 Q Was the ankle injury suffered in the 14:50:47
5 tanker rollover -- was that the only injury that 14:50:50
6 caused you to miss work? 14:50:54

7 A One of the lacerations obviously does. 14:50:55
8 You can't work when you have stitches. So it was 14:50:59
9 two incidents in which I lost time, I would say, 14:51:00
10 that I can recall. 14:51:03

11 Q What I would like to do now, Chief, is 14:51:04
12 ask you a few questions about the structure of 14:51:10
13 the -- of the fire department. Can you sort of 14:51:12
14 start at the top and go down the chain of command 14:51:13
15 and tell me what the positions are? 14:51:16

16 A Okay. You have, obviously, the fire 14:51:17
17 chief; you have three assistant chiefs. 14:51:20

18 You want me to name the bureaus, too, or 14:51:25
19 you just want to know the ranks as far as rank? 14:51:27

20 Q Just the ranks would be fine. Thank you. 14:51:30

21 A Okay. Good. 14:51:33

22 Fire chief, you have assistant chiefs, 14:51:35

3069
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

61

1	budget was...	15:19:57
2	Q If the budget would tolerate it?	15:19:59
3	A Right.	15:20:01
4	Q But the same would also be true in the	15:20:01
5	other direction. I suppose if the evaluation is	15:20:03
6	negative, if someone is consistently an under	15:20:07
7	performer, there's going to be a negative effect on	15:20:09
8	compensation and promotional opportunities. Right?	15:20:12
9	MS. BURROUGHS: Objection to form.	15:20:14
10	A It's an entirely different process if	15:20:15
11	you're going to have a negative determination for	15:20:18
12	that.	15:20:20
13	Q But the evaluation is a contributor in	15:20:20
14	that process, isn't it?	15:20:23
15	MS. BURROUGHS: Same objection.	15:20:25
16	A It's 10-week negative determination where	15:20:26
17	you have to get HR involved, work improvement	15:20:29
18	plans. It's a number of things you have to do	15:20:33
19	besides this form.	15:20:35
20	And in -- and in the end, you know, they	15:20:36
21	very well could be successful. So...	15:20:38
22	It just denotes the fact that the	15:20:43

3070
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

62

1 employee is having some type of performance issue. 15:20:45

2 Q Aside from the formal evaluation process 15:20:48

3 when you were station chief at -- or station 15:20:55

4 commander at Station 26, it would also be part of 15:20:58

5 your job to provide informal feedback on an 15:21:01

6 as-needed basis, wouldn't it? 15:21:08

7 A Correct. 15:21:10

8 Q And you would also provide advice and 15:21:10

9 guidance on job performance. Right? 15:21:13

10 A Correct. 15:21:14

11 Q And your three lieutenants, did they have 15:21:14

12 the discretion to do the same thing for people who 15:21:16

13 were junior to them? 15:21:18

14 A That's correct. The employees that they 15:21:19

15 supervised on their units, they had every right to 15:21:21

16 do just that. 15:21:25

17 Q And sometimes, I gather, when informal 15:21:29

18 guidance and direction wasn't enough, you would 15:21:39

19 have to invoke the disciplinary process. Correct? 15:21:41

20 A For performance-based issues, if that's 15:21:43

21 your question, it doesn't necessarily always result 15:21:48

22 in discipline. 15:21:52

3071
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

69

1 A To, in my opinion, provide the 15:39:57
2 investigative information that I found, like I say, 15:40:01
3 checking the folder and any pertinent information 15:40:04
4 relative to that, on basically getting the approval 15:40:08
5 to go ahead and issue the reprimand. 15:40:10

6 Q Was it your practice to make a 15:40:13
7 recommendation to the battalion chief about what 15:40:16
8 you wanted to do? 15:40:19

9 A I would say yes, to a degree. I mean, if 15:40:25
10 it's an initial violation of an SOP; then, 15:40:27
11 obviously, by our progressive discipline standards, 15:40:30
12 you would more than likely start off with an oral 15:40:33
13 reprimand. 15:40:37

14 Q Do you ever remember an occasion when 15:40:38
15 your battalion chief disagreed with your 15:40:41
16 recommended actions? 15:40:45

17 MS. BURROUGHS: Objection. 15:40:45
18 Mischaracterizes his -- mischaracterizes his 15:40:46
19 testimony as to making recommendations. 15:40:47

20 A Not that I remember. 15:40:50

21 Q Let me change to written reprimands. You 15:40:52
22 said just maybe one or two. Right? 15:40:57

3072
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

70

1 A Correct.

15:40:59

2 Q And you recall that you would have had a
3 conversation with your battalion chief before
4 issuing any written reprimand?

15:40:59

15:41:02

15:41:05

5 A Before I even typed it up and sent it to
6 him, I would probably have a conversation with him.

15:41:06

15:41:08

7 Q And what was the purpose of that
8 conversation?

15:41:11

15:41:12

9 A Like I said, the investigative
10 information that I have, pass it on; this is what's
11 happened; this is the direction that it needs to
12 go, or proposal, and...

15:41:12

15:41:15

15:41:18

15:41:20

13 Q But you would be considering a written
14 reprimand when you're having this conversation.
15 Correct?

15:41:22

15:41:25

15:41:26

16 A Yes. Because more than likely the -- if
17 we're talking about written reprimands, more than
18 likely the investigation that I've done has already
19 revealed that the person had a violation within the
20 past year, a similar violation.

15:41:26

15:41:29

15:41:32

15:41:38

15:41:41

21 Q It's a more serious form of discipline.
22 Right?

15:41:43

15:41:45

3073
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

73

1	to this matter, I am proposing."	15:43:55
2	So is this you putting him on notice that	15:43:57
3	you're making a recommendation somewhere else that	15:44:00
4	he receive this discipline?	15:44:04
5	A Yes. This is obviously a canned	15:44:05
6	document. The proposal of suspension without pay	15:44:10
7	is a pretty canned document with the exception of	15:44:13
8	dates, times, SOP violations and all of that.	15:44:16
9	Q You're filling in the information --	15:44:19
10	A You're filling in the information.	15:44:20
11	Q -- that's specific to this particular	15:44:21
12	employee?	15:44:23
13	A Yes.	15:44:23
14	Q And you -- I think you said earlier you	15:44:23
15	actually remember this incident?	15:44:25
16	A Yes.	15:44:26
17	Q Was your recommendation adopted?	15:44:26
18	A It was not adopted. After the proposal,	15:44:28
19	two days of recommendation -- or two days of LWOP	15:44:39
20	were recommended for this employee. But because of	15:44:43
21	this employee -- my knowledge, that this employee	15:44:48
22	was having some personal issues at home, I wrote an	15:44:50

3074
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

74

1	additional document to the fire chief recommending	15:44:54
2	that he cut that in half or come up with an	15:44:56
3	alternative.	15:45:00
4	Q What is LWOP?	15:45:00
5	A Leave without pay. That would be your	15:45:01
6	suspension without pay.	15:45:05
7	Q And am I understanding you to say that	15:45:07
8	after you sent this memo, Defendant's Exhibit 137,	15:45:10
9	to the lieutenant, there was some additional	15:45:13
10	consideration of his circumstances?	15:45:16
11	A Yes.	15:45:20
12	Q And it -- and it led to an ultimate	15:45:20
13	discipline of what?	15:45:23
14	A One day instead of two.	15:45:23
15	Q One day of leave without pay?	15:45:26
16	A Correct.	15:45:28
17	Q Let me now show you Defendant's	15:45:29
18	Exhibit 138, which is an oral reprimand form dated	15:45:56
19	May 14th, 2010. I see your name in the lower	15:46:01
20	right-hand corner, Chief, above the date.	15:46:03
21	Again, the employee's name is on here.	15:46:08
22	We're not going to mention him by name. All right?	15:46:11

3075
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

116

1	BY MS. BURROUGHS:	16:43:07
2	Q How are you doing at this point?	16:43:08
3	A Good.	16:43:09
4	Q Thank you.	16:43:09
5	A Good.	16:43:09
6	Q Do you need another break? I know we	16:43:10
7	just took one.	16:43:13
8	A No, we're good.	16:43:14
9	Q Okay. So as a Fire Captain II, when you	16:43:14
10	had that position, did you have the authority to	16:43:17
11	assign overtime to off-duty firefighters?	16:43:19
12	A No.	16:43:22
13	Q As a Fire Captain II, did you approve	16:43:23
14	leave?	16:43:26
15	A No, I did not approve leave.	16:43:26
16	Q Did you set the minimum staffing levels	16:43:28
17	at your station?	16:43:31
18	A No, I did not set minimum staffing	16:43:32
19	levels.	16:43:35
20	Q How much time -- we talked about some	16:43:35
21	performance reviews that you filled out. How much	16:43:40
22	time did you spend doing performance appraisals	16:43:42

3076
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

117

1 each year?

16:43:44

2 A As a station captain at 26, I did
3 approximately five or six evaluations, so about an
4 hour or so each. So six to eight hours, maybe.

16:43:45

16:43:49

16:43:54

5 Q And would that be for the whole year?

16:43:58

6 A Yes.

16:44:00

7 Q Do lieutenants also do performance
8 evaluations when you were at Station 26?

16:44:01

16:44:05

9 A Yes. Like I mentioned, I had -- excuse
10 me. I had three lieutenants, and they were
11 assigned employees that they evaluated.

16:44:07

16:44:13

16:44:15

12 Q And how much time -- oh, we talked about
13 some budget issues. You mentioned you created a
14 wish list for your department. How much time did
15 you spend each year creating that wish list?

16:44:18

16:44:25

16:44:28

16:44:30

16 A I would probably say no more than three
17 or four hours max.

16:44:33

16:44:35

18 Q For the whole year?

16:44:36

19 A For the whole year.

16:44:37

20 Q How much time do you spend reviewing and
21 updating station policies every year?

16:44:38

16:44:43

22 A Well, your initial -- when I initially

16:44:45

3077
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

118

1	was assigned to Station 26, obviously, I reviewed	16:44:49
2	all the policies, updated them, placed my name on	16:44:54
3	them. The only other time you would review the	16:44:58
4	policy is if a department SOP, general order, or	16:45:00
5	whatever changed. So other than that, you wouldn't	16:45:03
6	have to necessarily reference them again.	16:45:05
7	Q So in your year, you mentioned you would	16:45:07
8	have reviewed all the policies?	16:45:11
9	A Yes.	16:45:12
10	Q About how much time do you think that	16:45:12
11	took?	16:45:14
12	A That was probably four or five hours.	16:45:14
13	Q For the whole year?	16:45:16
14	A Yes.	16:45:19
15	Q And then in subsequent years, how much	16:45:19
16	time would you estimate it took to review the	16:45:19
17	policies?	16:45:19
18	A I would just say an hour a year.	16:45:21
19	Q How much time do you spend engaged in	16:45:22
20	physical fitness on each shift?	16:45:27
21	A We're supposed to do two hours of	16:45:29
22	physical fitness.	16:45:31

3078
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

119

1	Q	Do you usually do all two hours?	16:45:32
2	A	Yes. Depending on call volume.	16:45:35
3	Q	What do you mean "depending on call	16:45:38
4		volume"?	16:45:40
5	A	Obviously, if we're engaged in physical	16:45:40
6		fitness and we get dispatched to an incident, we	16:45:44
7		have to stop doing that to go to the -- to the	16:45:47
8		call. Depending on the length of the call and	16:45:48
9		other things, you may or may not return to do that.	16:45:48
10	Q	We spent some time talking about	16:45:49
11		discipline, and you mentioned about the chain of	16:46:03
12		command and how that works for discipline.	16:46:07
13		Can you issue discipline without sending	16:46:09
14		it up the chain of command for approval?	16:46:12
15	A	No. You're not supposed to do that.	16:46:15
16	Q	And how much time have you spent	16:46:17
17		reporting violations of rules up the chain of	16:46:20
18		command since 2011 as a Captain II?	16:46:24
19	A	Probably very little since then, as a	16:46:28
20		Captain II. Because in July I went to the office,	16:46:33
21		so that kind of changed my role. So that was about	16:46:35
22		six months. I would say very little.	16:46:39

3079
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

121

1 be conducting fire suppression activities. 16:47:45

2 Q What unit do you usually arrive in? What 16:47:47
3 apparatus are you assigned to usually? 16:47:51

4 A Usually assigned to the engine as a 16:47:53
5 captain. 16:47:54

6 Q So when you're assigned to the engine as 16:47:54
7 a Captain II, what are your responsibilities at the 16:47:54
8 fire scene? 16:47:57

9 A As the first engine, you would be 16:47:57
10 responsible for ensuring that there was a water 16:48:01
11 supply established; on-scene reports, situational 16:48:03
12 reports; and normally stretching and 16:48:10
13 attacking the -- staffing the first attack line, 16:48:17
14 which is the fire attack line. 16:48:19

15 The second one, you could have command; 16:48:20
16 you could take the backup line. 16:48:23

17 The third one, you would be reporting to 16:48:25
18 the rear, possibly stretching the line to the rear 16:48:27
19 and to the floor above. 16:48:30

20 Fourth engine would be considered our 16:48:31
21 RIT, or Rapid Intervention Team. 16:48:35

22 Q Can you tell me more about what you mean 16:48:39

3080
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

122

1 by stretching the line to the floor above? What 16:48:40

2 does that mean? 16:48:44

3 A The line, the hose line, hand line. 16:48:44

4 There's a number of terms we use. But it's the 16:48:44

5 hose line. 16:48:47

6 Q Okay. So if I was -- in layman's terms, 16:48:47

7 it's where the water comes out? 16:48:50

8 A Correct. 16:48:52

9 Q Okay. Do you go on the same number of 16:48:52

10 calls as your subordinates that are assigned to 16:48:59

11 your apparatus? 16:49:02

12 A Yes. On the engine you have four people 16:49:02

13 assigned, including myself, and you respond to the 16:49:05

14 calls together as a team. There's no -- there's no 16:49:08

15 option of not going on a call. 16:49:11

16 Q Has your apparatus ever responded to a 16:49:12

17 call without you on it? 16:49:14

18 A No. 16:49:15

19 Q Do you have any purchasing authority 16:49:16

20 for -- when you were at a Captain II at Station 26? 16:49:25

21 A I don't know what you mean by "purchasing 16:49:28

22 authority." But we are able to order typical 16:49:32

3081
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

123

1 supplies: Toilet tissue, paper towels. Things of 16:49:37
2 that nature, we're able to purchase. We don't 16:49:43
3 actually do the purchasing, but it's more like an 16:49:46
4 order request, I guess you could say. 16:49:48

5 Q Do you know who the vendor was that you 16:49:50
6 would make those purchase requests from? 16:49:52

7 A At that time, we were using ZEP, Z-E-P, 16:49:55
8 but I think they're getting away from that 16:50:02
9 particular vendor right now. 16:50:05

10 Q As a Captain II, did you have discretion 16:50:06
11 to use a different vendor? 16:50:13

12 A No. 16:50:13

13 Q Did you have a county credit card or 16:50:13
14 anything like that that would allow you to order 16:50:13
15 supplies? 16:50:13

16 A No, no credit -- no credit card, no 16:50:13
17 county credit card. 16:50:14

18 Q In your station, who did the inventory of 16:50:14
19 the supplies that you had on hand? 16:50:24

20 A I actually delegated that to a technician 16:50:26
21 that took care of that. 16:50:31

22 Q As a Captain II, when the tone rings, 16:50:33

3082
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

124

1	what do you do?	16:50:40
2	A Stop whatever I'm doing, listen to the	16:50:41
3	call, the unit's address; and then if it's for my	16:50:44
4	unit, I'm responding to the call.	16:50:48
5	Q Is that true no matter what you're doing?	16:50:50
6	Training, physical fitness, performance appraisals,	16:50:53
7	issuing discipline?	16:50:55
8	A Anything.	16:50:56
9	Q Can I ask you to look back at Defendant's	16:50:57
10	Exhibit 142-A, if you can find that one?	16:51:15
11	A (Witness complies.)	16:51:18
12	Q Actually, can I change my mind? Can we	16:51:22
13	go to 142-D?	16:51:24
14	A (Witness complies.) Yes.	16:51:28
15	Q And you identified this before as a	16:51:35
16	performance appraisal that was completed of you.	16:51:39
17	Is that correct?	16:51:40
18	A Completed of me. Correct.	16:51:41
19	Q Yes. Can you turn for me to page 4,	16:51:45
20	where it says "Section B"?	16:51:49
21	A (Witness complies.) Okay.	16:51:52
22	Q And there's a section here that says:	16:51:55

3088
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

141

1 Q Let's just take a fire. How do you -- 17:08:09
2 how is it decided who is going to be the incident 17:08:12
3 commander? 17:08:15

4 A Our operating manuals are pretty clear as 17:08:15
5 far as incident commander. First arriving unit 17:08:21
6 officer will have incident command; but if they 17:08:23
7 need to get into more of an aggressive tactical 17:08:27
8 operation, for example, pulling the hose line, then 17:08:30
9 they will work with the battalion chief to transfer 17:08:33
10 the command to the second arriving engine or to the 17:08:37
11 battalion chief themselves when they arrive. 17:08:40

12 Q So if you're the first arriving -- you 17:08:42
13 personally, during the time you were the station 17:08:44
14 commander for Station 26, if your apparatus was the 17:08:47
15 first one on the scene, you would automatically 17:08:51
16 become the incident commander? 17:08:54

17 A Correct. 17:08:56

18 Q But if another piece of equipment with a 17:08:57
19 lieutenant got there first, he would become the 17:09:00
20 incident commander? 17:09:03

21 A Their -- yes. Our rules state that the 17:09:04
22 first unit arriving is the incident commander until 17:09:05

3084
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

142

1 command is transferred or assumed by the battalion 17:09:11

2 chief. 17:09:13

3 Q Let's take the second situation I was 17:09:13

4 talking about, where a lieutenant gets to the scene 17:09:18

5 first -- 17:09:21

6 A Okay. 17:09:22

7 Q -- and becomes incident commander and 17:09:22

8 then you get there. 17:09:24

9 A Okay. 17:09:25

10 Q Are there circumstances in which you 17:09:25

11 could assume command of the incident? 17:09:27

12 A Yes. If -- like I said, if the 17:09:29

13 lieutenant was in a position where they had to take 17:09:32

14 an aggressive tactical operation, like stretching a 17:09:34

15 hand line, they would normally communicate with the 17:09:38

16 battalion chief that they need a transfer of 17:09:41

17 command. 17:09:43

18 At that point, the battalion chief would 17:09:43

19 call me and tell me that I would be assuming 17:09:45

20 command until they arrived. 17:09:47

21 Q If there were an emergency that required 17:09:48

22 the lieutenant to start pulling hose, could you 17:09:50

3085
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

143

1	assume command without going to the battalion	17:09:54
2	chief?	17:09:56
3	A It's not supposed to operate like that.	17:09:56
4	Q I understand you're supposed to check	17:10:01
5	with the battalion chief.	17:10:02
6	A Yes.	17:10:04
7	Q But if the lieutenant needs to put his	17:10:04
8	shoulder to the wheel to help put out the fire,	17:10:06
9	would you and he work it out so that you would be	17:10:09
10	the incident commander?	17:10:11
11	A I'm sure that could happen, yes.	17:10:13
12	Q You were -- am I remembering that you	17:10:14
13	were the station commander at 26 for -- how many	17:10:19
14	months, was it?	17:10:24
15	A From 2008 to 2011.	17:10:25
16	Q Okay. So almost three years?	17:10:29
17	A Yeah.	17:10:33
18	Q Do you remember approximately how many --	17:10:34
19	how many fires, approximately, would you have	17:10:37
20	responded to during that period of time?	17:10:39
21	A I couldn't even tell you.	17:10:40
22	Q Dozens? More than a hundred?	17:10:42

3086
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

145

1 Q But if you're there first, you're the 17:11:46
2 incident commander? You're directing the 17:11:49
3 activities of the lieutenants and the other people 17:11:52
4 who were subordinate to you, and they're the ones 17:11:54
5 working the fire? 17:11:57

6 A No, not like that. I guess I need to 17:11:58
7 clarify between the incident command setting up 17:12:04
8 command and then being the initial commander. 17:12:07

9 As a first arriving engine company, you 17:12:09
10 are the initial incident commander. That's not 17:12:12
11 going to stop me from - and we'll just take a 17:12:15
12 typical house fire - taking a lap around the 17:12:18
13 structure, getting a situation report, providing 17:12:21
14 that information, making sure the hose line is 17:12:24
15 pulled and doing those type of things. 17:12:26

16 But at that point in time is when you're 17:12:29
17 supposed to call the battalion chief and say, "I 17:12:31
18 need to transfer command." 17:12:33

19 The battalion chief would then come back 17:12:34
20 and say either, "I'll be there in 30 seconds," or 17:12:36
21 "Second engine assume command." 17:12:40

22 But until that happens, you're still the 17:12:42

3087
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

146

1 incident commander. But you're still expected to 17:12:44

2 perform that tactical operation. 17:12:47

3 I don't know if that's very clear. It 17:12:51

4 may be a little complicated. 17:12:53

5 Q I -- no, I -- well, let's -- let me 17:12:54

6 follow up with a few questions and see if I've 17:12:57

7 understood what you've said. 17:12:59

8 So if it's a house fire and a lieutenant 17:13:00

9 gets there first, he's going to become the initial 17:13:03

10 incident commander because he's the first officer 17:13:07

11 on the scene. Right? 17:13:09

12 A Correct. 17:13:10

13 Q And then if you -- if your engine arrives 17:13:10

14 next, as the station commander, you're going to do 17:13:14

15 what you just described, which is do the tactical 17:13:17

16 assessment, walk around the house? 17:13:19

17 A That's the first engine's responsibility, 17:13:22

18 but... 17:13:23

19 Q That's the first. Will you do that as -- 17:13:23

20 A Probably not the second, no. 17:13:26

21 Q All right. And then -- but once you 17:13:27

22 arrive on the scene, then is it customary for 17:13:30

3088
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

147

1	the -- in this scenario, the initial incident	17:13:33
2	commander, the lieutenant, to talk to the battalion	17:13:37
3	chief and transfer command to you?	17:13:39
4	A Correct.	17:13:41
5	MR. POWELL: That's all I have. Thank	17:13:43
6	you very much.	17:13:45
7	THE WITNESS: Uh-huh.	17:13:45
8	FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS	17:13:49
9	BY MS. BURROUGHS:	17:13:50
10	Q So I would just like one follow-up	17:13:52
11	question, if that's okay.	17:13:54
12	MR. POWELL: Take as many as you like.	17:13:55
13	Q So if we flip that scenario we just	17:13:57
14	talked about around --	17:13:59
15	A Uh-huh.	17:13:59
16	Q -- and instead you were the first engine	17:13:59
17	on the scene and a lieutenant comes with the second	17:14:02
18	engine, would you be expected to give command to	17:14:04
19	that lieutenant?	17:14:06
20	A That would happen, yes.	17:14:07
21	Q Okay. And then until a battalion chief	17:14:09
22	arrives, would that lieutenant be the incident	17:14:11

3089
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

148

1	commander?	17:14:14
2	A Until the battalion chief arrived, yes.	17:14:14
3	You would only transfer command one time at the	17:14:17
4	company level.	17:14:20
5	Q Uh-huh. So then would you be taking	17:14:20
6	orders from that lieutenant if he was the incident	17:14:22
7	commander?	17:14:24
8	A Yes.	17:14:25
9	MS. BURROUGHS: That's all.	17:14:26
10	FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT	17:14:28
11	BY MR. POWELL:	17:14:30
12	Q Why is that? Why is the -- why does it	17:14:30
13	work that way when the -- if you -- if you, the	17:14:32
14	station commander, arrives first and becomes the	17:14:34
15	initial incident commander, and then a lieutenant	17:14:38
16	arrives, an incident command would then shift to	17:14:42
17	him?	17:14:47
18	A Just because of unit responsibilities,	17:14:47
19	basically, is what that comes down to, unit	17:14:50
20	responsibility.	17:14:52
21	So that second engine primarily, if	17:14:52
22	command is transferred, they assume command,	17:14:55

3090
VIDEOTAPED DEPOSITION OF REGINALD T. JOHNSON
CONDUCTED ON THURSDAY, MAY 29, 2014

149

1 regardless of who's -- whether it's a lieutenant, a 17:14:59
2 Captain I or a Captain II riding, that has command 17:15:02
3 until that arrival. Because of the importance of 17:15:07
4 that first unit officer - a lieutenant, captain, or 17:15:10
5 Captain II - working with their crew, going into an 17:15:15
6 IDLH environment, stretching the hand line to 17:15:15
7 attack the fire. 17:15:18

8 (Discussion off the record.) 17:15:40

9 Q In that scenario, Chief, when the second 17:15:40
10 piece of equipment to arrive has a lieutenant as 17:15:43
11 the senior officer on the -- on the truck, would he 17:15:46
12 typically be filling in for a captain on that -- in 17:15:50
13 that position? 17:15:53

14 A On the -- I would say typically, but we 17:15:54
15 do have a few stations where the medic officer is a 17:15:58
16 Captain I, and then that lieutenant could possibly 17:16:05
17 ride that engine all the time. But that's very few 17:16:08
18 and far between. 17:16:10

19 So typically the greater percentage of 17:16:11
20 time, they would be filling in for that captain on 17:16:14
21 the engine. 17:16:17

22 Q All right, sir. Thank you. 17:16:17

1

1

UNITED STATES DISTRICT COURT

2

FOR THE EASTERN DISTRICT OF VIRGINIA

3

(Alexandria Division)

4

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5

GERARD MORRISON, et al., :

6

Plaintiffs, : Civ. Action No.

7

v. : 1:14cv5 (CMH/JFA)

8

COUNTY OF FAIRFAX, VA., :

9

Defendant. :

10

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11

12

Videotaped Deposition of WILLIAM REID KINGDON

13

McLean, Virginia

14

Wednesday, June 11, 2014

15

1:58 p.m.

16

17

18

19

20

Job No: 56791

21

Pages: 1 - 111

22

Reported by: Karen Brynteson, RPR, RMR, CRR, FAPR

2092
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

22

1 which at that time was a Fairfax County Fire and 02:12:38
2 Rescue Station. It is no longer. It is now part of 02:12:41
3 Fairfax City. 02:12:44

4 And while I was a volunteer there, I 02:12:46
5 obtained my basic and advanced EMS certifications. 02:12:49

6 Q. What EMS certifications did -- have you 02:13:00
7 maintained during your employment with the 02:13:03
8 Department? 02:13:04

9 A. I have been -- the name has changed as is 02:13:05
10 a general term, I will use the term paramedic. Over 02:13:09
11 the years that term has been changed by the, by the 02:13:16
12 state. 02:13:18

13 Q. And what was -- what have the specific 02:13:19
14 certifications been? 02:13:24

15 A. Cardiac care technician initially, and 02:13:24
16 then I became nationally registered as a paramedic. 02:13:29

17 Q. And who -- when you say "nationally 02:13:36
18 registered," who is the registering authority? 02:13:39

19 A. It is called the National Registry of 02:13:41
20 EMTs. They are a national organization that 02:13:45
21 encompasses all the states. 02:13:48

22 Q. Did you become ALS certified? 02:13:50

2093
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

23

1	A. I was ALS certified before I came to	02:13:52
2	work. A cardiac care technician is an ALS cert.	02:13:58
3	Q. And so you achieved that certification	02:14:00
4	before you joined the Department on a full-time	02:14:02
5	basis?	02:14:04
6	A. Yes, sir.	02:14:04
7	Q. And did you maintain that certification	02:14:04
8	throughout your employment by the Department?	02:14:06
9	A. Increased it, but, yes, I maintain an ALS	02:14:08
10	certification.	02:14:12
11	Q. And you say you increased it. What do	02:14:13
12	you mean by that?	02:14:15
13	A. Cardiac care technician is now a disfunc	02:14:15
14	--	02:14:21
15	Q. It is defunct, d-e-f-u-n-c-t.	02:14:21
16	A. Yeah, it is no longer there, but I, I	02:14:26
17	increased my -- from a cardiac care to a paramedic,	02:14:29
18	which is a higher level of training.	02:14:34
19	Q. In order to qualify as a paramedic, did	02:14:37
20	you have to first be ALS certified?	02:14:40
21	A. No. You, you become -- becoming ALS	02:14:44
22	certified is -- becoming a paramedic is ALS	02:14:48

VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

24

1 certified.

02:14:50

2 Q. All right. I guess what I am confused by
3 is you -- I thought I understood you to say you had
4 increased your certification above, above being ALS
5 certified.

02:14:50

02:14:52

02:14:56

02:14:58

6 A. ALS, there are several levels of being
7 ALS certified. Each level brings an amount of
8 skills that are recognized that could be performed
9 by that person.

02:14:59

02:15:01

02:15:07

02:15:10

10 When I became hired, when I was hired, I
11 was a cardiac care technician. I went from cardiac
12 care technician to paramedic. But both of those
13 categories are considered ALS providers.

02:15:12

02:15:14

02:15:18

02:15:22

14 Q. And that's the certification you
15 maintained during the whole time you were employed
16 by the Department?

02:15:31

02:15:33

02:15:35

17 A. Essentially, yes. Yes, ALS
18 certification.

02:15:36

02:15:38

19 Q. Did you have any other certifications in
20 connection with your job at the Department that you
21 maintained during that time?

02:15:39

02:15:40

02:15:43

22 A. There has been programs over the years

02:15:45

2095
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

25

1 that I have had to take, instructor II, instructor 02:15:48
2 III. There is -- my understanding is those do not 02:15:53
3 expire. 02:15:56
4 Q. Once you qualify, you get to keep it? 02:15:57
5 A. Um-hum. 02:15:59
6 Q. Doesn't require a regular 02:15:59
7 recertification? 02:16:01
8 A. That is my understanding. 02:16:01
9 Q. All right, sir. Walk me through, if you 02:16:02
10 would, summarize your chronology of positions with 02:16:09
11 the Department, starting at the beginning in 1979, 02:16:12
12 running up until the time of your retirement -- 02:16:15
13 A. Okay. 02:16:17
14 Q. -- this past fall. And I would like the 02:16:18
15 dates as best you can recall them. And if you are 02:16:20
16 off by a year or two here or there -- 02:16:23
17 A. Yeah, that's likely. 02:16:25
18 Q. That would be fine. It doesn't matter. 02:16:26
19 A. Okay. Hired September 1979, firefighter. 02:16:27
20 Approximately 1981 became what was then called a 02:16:36
21 firefighter II, now presently called a technician. 02:16:42
22 Q. So it is the next level up from a 02:16:47

2096
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

40

1 station has -- there might be a lieutenant. It 02:31:17
2 might just go straight up to a Captain I. 02:31:24
3 Q. Straight up to a Captain? 02:31:26
4 A. Right. 02:31:27
5 Q. But either an officer or a Captain I 02:31:27
6 would have been the direct supervisor for these 19 02:31:29
7 to 22 people? 02:31:31
8 A. Or a Captain II. 02:31:32
9 Q. Or a Captain II. So when you say you had 02:31:33
10 no direct subordinates, did you fill out evaluations 02:31:36
11 for anybody during this period of time? 02:31:42
12 A. Yeah. I don't want to step on you. 02:31:44
13 Sorry about that. 02:31:46
14 Q. That's all right. That's all right. 02:31:47
15 A. I filled out addendums to the evaluations 02:31:48
16 that would evaluate the ALS performance of the 02:31:52
17 providers. 02:31:59
18 Q. And would you do an addendum for -- 02:32:02
19 again, I am talking about the formal written manual 02:32:06
20 evaluations. 02:32:09
21 A. The complete addendum? 02:32:10
22 Q. Yes, sir. So would you do an addendum 02:32:12

2097
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

89

1	A. I would say right now it appears to be	03:48:44
2	fairly complete to me.	03:48:48
3	Q. Is there --	03:48:49
4	A. Nothing sticks out to me.	03:48:51
5	Q. Nothing sticks out to you as being	03:48:52
6	missing from that list, correct?	03:48:54
7	A. No, sir.	03:48:55
8	MR. POWELL: That's all I have, Captain.	03:48:56
9	Thank you.	03:48:58
10	MS. BURROUGHS: Okay. I will have a few.	03:48:59
11	THE WITNESS: Okay.	03:49:02
12	EXAMINATION BY COUNSEL FOR PLAINTIFFS	03:49:04
13	BY MS. BURROUGHS:	03:49:04
14	Q. As an EMS Captain II, do you have	03:49:13
15	authority to assign overtime to off-duty	03:49:15
16	firefighters?	03:49:18
17	A. No, sir. No, ma'am. Sorry.	03:49:18
18	Q. It is all right.	03:49:21
19	A. No, ma'am.	03:49:22
20	Q. As an EMS Captain II, do you approve	03:49:23
21	leave?	03:49:27
22	A. No, ma'am.	03:49:27

2098
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

90

1	Q.	As an EMS Captain II, did you set minimum	03:49:28
2		staffing levels?	03:49:31
3	A.	No, ma'am.	03:49:32
4	Q.	As an EMS Captain II, how much time did	03:49:32
5		you spend doing performance appraisals each year?	03:49:36
6	A.	I would say it is roughly one to one and	03:49:41
7		a half hours per month.	03:49:44
8	Q.	Did you spend any time as an EMS Captain	03:49:45
9		II preparing a budget request?	03:49:55
10	A.	No, ma'am.	03:49:56
11	Q.	As an EMS Captain II, can you issue	03:49:57
12		discipline without sending it up the chain of	03:50:07
13		command for approval?	03:50:08
14	A.	No, ma'am.	03:50:09
15	Q.	What is your most important job duty?	03:50:10
16	A.	Responding to calls. In my primary	03:50:15
17		function, providing care to the injured civilians	03:50:23
18		and visitors of Fairfax County.	03:50:29
19	Q.	What apparatus are you generally assigned	03:50:32
20		to?	03:50:39
21	A.	Was assigned to.	03:50:40
22	Q.	Was assigned to. Sorry.	03:50:42

2099
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

91

1 A. I was in a SUV that was by myself. It 03:50:44
2 was a fully stocked SUV as far as all the medical 03:50:53
3 equipment needed to respond to a call and provide 03:50:56
4 care, much like a medic was without a stretcher. 03:51:01

5 Q. What kinds of medical equipment are 03:51:05
6 stored in your apparatus? 03:51:07

7 A. I had a complete drug box, a drug box for 03:51:08
8 all the medications that I might need on a call. I 03:51:18
9 had cardiac monitors, some for my use; some for 03:51:20
10 resource management purposes to pass out for units 03:51:27
11 that had broken ones. 03:51:29

12 I had some equipment that was not carried 03:51:32
13 on a transport unit or other units that I was 03:51:37
14 expected to bring to a scene, if needed, usually 03:51:41
15 expensive medications. Infrequently used things 03:51:46
16 that were highly needed, but when you needed them, 03:51:49
17 you needed them, but the, the frequency of needing 03:51:53
18 them was, was pretty low, but the, as an example, 03:51:57
19 the medication is very expensive, so they are not 03:52:02
20 going to put it on every unit, because it is so 03:52:05
21 ridiculously expensive but so infrequently used, but 03:52:07
22 when you needed it, it was the only medicine that 03:52:10

3100
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

92

1 worked. So all the supervisors would carry certain 03:52:12
2 things like that. 03:52:15

3 Q. Were there any other -- you mentioned the 03:52:15
4 medications. Was there anything else that you kept 03:52:20
5 in your unit that was not carried on a regular medic 03:52:23
6 unit? 03:52:27

7 A. Yeah, I think there is some things -- the 03:52:28
8 only thing I, I physically carried while I was 03:52:31
9 working on the unit was the medications and, and 03:52:36
10 some like chilled saline for hypothermia or push 03:52:40
11 resuscitation care. 03:52:45

12 Since then, they were -- at that time 03:52:47
13 they were talking about putting a specialized piece 03:52:48
14 of equipment like what is called a Lucas on a 03:52:51
15 vehicle, expensive piece of equipment that does CPR, 03:52:54
16 that supervisors were dispatched to CPRs, so they 03:52:58
17 could bring the Lucas. That was not, had not been 03:53:02
18 placed prior to my retirement. 03:53:05

19 Q. Okay. With the training and 03:53:08
20 certifications you are required to have as an EMS 03:53:13
21 Captain II, are you able to use the equipment or 03:53:15
22 give the medications that you carry with you? 03:53:18

3101
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

93

1	A. Yes, ma'am.	03:53:20
2	Q. Do you do that in practice?	03:53:26
3	A. Yes.	03:53:28
4	Q. Okay. Can you look at the field	03:53:28
5	supervisor handbook, Number 13 that we were just	03:53:37
6	looking at.	03:53:40
7	A. Okay.	03:53:41
8	Q. Oh, I'm sorry, I didn't tell you the	03:53:41
9	page. And turn back to page 10 that we were just	03:53:49
10	on.	03:53:50
11	A. Got it. This print is a little small.	03:53:51
12	Okay.	03:54:00
13	Q. Number 3, which you identified as being a	03:54:01
14	correct or an accurate part of the EMS inquiry and	03:54:05
15	investigation process --	03:54:08
16	A. Yes, ma'am.	03:54:09
17	Q. -- refers to the battalion management	03:54:09
18	team.	03:54:11
19	A. Yes, ma'am.	03:54:11
20	Q. Can you tell me what or who is the	03:54:12
21	battalion management team?	03:54:14
22	A. The battalion management team -- first of	03:54:14

3102
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

94

1 all, there is seven battalions. Every battalion has 03:54:17
2 what is called a battalion management team. That 03:54:20
3 consists of a Battalion Chief and an EMS Supervisor 03:54:21
4 who oversee the needs of the battalion, the 03:54:25
5 operation of the battalion. 03:54:31

6 Primarily the Battalion Chief covers the 03:54:34
7 suppression aspect of it. The EMS Captain or an EMS 03:54:37
8 Supervisor would cover the EMS aspect of it, but the 03:54:42
9 Battalion Chief is the EMS Supervisor's boss. 03:54:47

10 But, hence, the term battalion management 03:54:54
11 team. 03:54:56

12 Q. Okay. And it says here the battalion 03:54:56
13 management team should make every effort to resolve 03:55:02
14 the issue at the battalion level. 03:55:04

15 A. Yes, ma'am. 03:55:06

16 Q. And you identified a number of positions 03:55:06
17 that are part of the battalion management team. I 03:55:08
18 am trying to phrase this without saying "team" 03:55:14
19 again, but I guess I can't. 03:55:17

20 Do they handle those inquiries and 03:55:19
21 investigations as a team? 03:55:21

22 A. The Battalion Chief is aware of it. The 03:55:25

3103
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

95

1	Battalion Chief is immediately notified that an	03:55:27
2	inquiry is going on, usually by the EMS Supervisor.	03:55:31
3	There are times, there is a scenario where it could	03:55:36
4	come down from management, come down from quality	03:55:39
5	assurance, come down from the Deputy Chief through	03:55:45
6	the Battalion Chief to the EMS Captain that handled	03:55:47
7	the inquiry.	03:55:52
8	Sometimes the material just, the inquiry	03:55:56
9	might come straight from Quality Assurance, with	03:55:58
10	cc's to the Battalion Chief, but essentially they	03:56:03
11	are -- he or she is made aware of it, that an	03:56:07
12	inquiry is going on.	03:56:10
13	Generally the nature of an EMS inquiry is	03:56:13
14	not going to preclude a Battalion Chief from doing	03:56:16
15	the inquiry, but it is probably more on a medical	03:56:19
16	nature, so the EMS Supervisor is going to do the	03:56:24
17	actual inquiry, if that answered your question. I	03:56:27
18	am not sure I did.	03:56:33
19	Q. I think it did a little bit. You	03:56:33
20	mentioned about Quality Assurance. Can you tell me	03:56:35
21	more about their role? Are they part of the	03:56:37
22	battalion management team?	03:56:40

3104
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

96

1	A. No, ma'am, they are not. They are part	03:56:41
2	of EMS administration.	03:56:43
3	Q. Okay. Is that the EMS administration	03:56:44
4	mentioned in number 2 in the document that we have	03:56:46
5	in front of us?	03:56:48
6	A. Yes, ma'am, the quality manager.	03:56:48
7	Q. Oh, okay. So can you tell me more about	03:56:49
8	their role in this process?	03:56:51
9	A. The quality manager is exactly what it	03:56:52
10	sounds like. They oversee the, the, in the broad	03:56:58
11	term oversee the compliance of the agency to the	03:57:03
12	Virginia standards of, of EMS, because there are	03:57:09
13	standards. In Departments this size, as an example,	03:57:14
14	you must have a quality manager.	03:57:18
15	That person tracks all the inquiries.	03:57:20
16	Everything filters, and I use this term "her" in	03:57:24
17	this case, because it is, filters through her. She	03:57:27
18	tracks when an inquiry has been assigned, gives it a	03:57:31
19	number, passes it down from there. And she could	03:57:35
20	get an inquiry, an inquiry can come from any variety	03:57:41
21	of locations. It could come from a hospital,	03:57:44
22	somebody picking up the phone, calling. Somebody	03:57:45

3105
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

97

1 going on the Internet to the home page, filing a 03:57:47
2 complaint. 03:57:50

3 As an example, they might call up the 03:57:52
4 office and want to talk to the Fire Chief and they 03:57:54
5 end up getting, you know, what's the matter, there 03:57:56
6 is, somebody was rude, that's going to get 03:57:59
7 transferred over to the EMS quality manager, who is 03:58:01
8 going to take down some preliminary information, 03:58:06
9 find out the date, the time, where it happened, 03:58:08
10 narrow it down to what shift, what battalion, whose 03:58:10
11 crew, and then forward out an inquiry intake form to 03:58:14
12 the, to the -- through the chain to the EMS 03:58:21
13 Supervisor that says on this date so and so, you 03:58:25
14 know, we received a phone call, a complaint, about 03:58:29
15 any variety of issues. 03:58:35

16 The EMS Supervisor at that point would 03:58:37
17 make contact with the, with the complainant, gather 03:58:39
18 all the information needed, but the bottom line, 03:58:44
19 when the complaint is done, it goes back up through, 03:58:46
20 but the quality, to answer your question, the 03:58:48
21 quality manager is the person who is the funnel 03:58:50
22 sheet. 03:58:53

3106
VIDEOTAPED DEPOSITION OF WILLIAM REID KINGDON
CONDUCTED ON WEDNESDAY, JUNE 11, 2014

98

1	She collects everything. It goes back up	03:58:54
2	through -- ultimately it comes back through her. It	03:58:55
3	gets counted as complete, comes back down. It comes	03:58:57
4	through her, it goes back to her, up to that office.	03:59:00
5	Q. Okay.	03:59:02
6	A. But that was a long-winded segment. I am	03:59:04
7	not sure I even answered your question.	03:59:07
8	Q. It was a general question. You gave a	03:59:08
9	general answer. That's fine.	03:59:09
10	A. Okay.	03:59:10
11	Q. Can you turn, in the same document, to	03:59:11
12	page 3, please.	03:59:13
13	A. Okay. The introduction?	03:59:23
14	Q. Yes.	03:59:24
15	A. Okay.	03:59:25
16	Q. And the third paragraph down, in the	03:59:25
17	third sentence, it says, "while his or her primary	03:59:31
18	responsibility resolves around EMS activity, he or	03:59:35
19	she plays a vital role in battalion planning in	03:59:38
20	management."	03:59:42
21	When it says "his or her," do you know	03:59:43
22	who that is referring to in that sentence?	03:59:46

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x

GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :

-----x

Videotaped Deposition of DAVID GREG LANGE
McLean, Virginia
Wednesday, June 4, 2014
9:18 a.m.

Job No.: 59005
Pages: 1 - 265
Reported By: Joan V. Cain

VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

27

1 A Again, I don't have the dates fresh in my 09:39:09
2 mind. 09:39:11

3 Q Okay. Have you ever sought to be promoted 09:39:11
4 to a Captain II? 09:39:21

5 A No. 09:39:21

6 Q Why not? 09:39:22

7 A I don't like the job. 09:39:22

8 Q Can you explain what you mean by that? 09:39:28

9 A I enjoy riding fire trucks and going into 09:39:31
10 the fires and fighting fires, and I guess the inside 09:39:34
11 activities, and other roles in the department don't 09:39:38
12 do that as much. 09:39:44

13 Q And the Captain II, from your perspective, 09:39:46
14 doesn't do that? 09:39:49

15 A They do. They definitely do that. They 09:39:49
16 just don't do it with the daily frequency like I do. 09:39:52
17 I mean, depending on what role they're fulfilling 09:39:55
18 that day. 09:39:59

19 Q And when you say depending on the role, can 09:40:06
20 you explain what you mean by that? 09:40:08

21 A In the Captain II you're talking about? 09:40:11

22 Q Mm-hmm. 09:40:15

3109
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

28

1 A When he rides the fire truck, he does the 09:40:15
2 same job as the Captain I, as the lieutenant, and 09:40:18
3 can do the same jobs as the firefighters as far as 09:40:21
4 pulling hose, throwing ladders, forcing entry, 09:40:24
5 ventilating, taking blood pressures, doing CPR. 09:40:27
6 They also, the department asks them to ride in the 09:40:29
7 battalion -- as an underfill in the battalion 09:40:32
8 chief's buggy, and that aspect of it -- excuse me -- 09:40:35
9 just didn't appeal to me. 09:40:38
10 Q But that's not mandatory, is it? 09:40:41
11 A If you're ordered to do it, it is. 09:40:44
12 Q Okay. How frequently does a Captain II 09:40:46
13 ride as a battalion chief? 09:40:48
14 A Depends on how frequently the department 09:40:49
15 has a need. 09:40:53
16 Q And has that varied over time? 09:40:56
17 A It's a function of sick leave or injury 09:40:58
18 leave or, you know, the staffing at the moment. 09:41:00
19 Q Any other reasons why you have not applied 09:41:13
20 or sought to be promoted to a Captain II? 09:41:15
21 A Just running out of my time in my career to 09:41:18
22 make it beneficial financially. 09:41:21

3110
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

91

1	recovery period.	10:59:45
2	THE WITNESS: Yes.	10:59:46
3	BY MS. REWARI:	10:59:46
4	Q And did you review this evaluation with	10:59:53
5	your battalion chief on or about the date or on	10:59:56
6	January 10, 2010 as shown by your signature on page	11:00:01
7	12154?	11:00:09
8	A Yes.	11:00:11
9	Q And your battalion chief was Chief Rohr at	11:00:17
10	this time?	11:00:22
11	A Yes.	11:00:22
12	Q Were you still at Fire Station 34?	11:00:23
13	A I believe not, no.	11:00:31
14	Q What station were you at?	11:00:37
15	A Fire Station 12 I believe.	11:00:38
16	Q Okay. Where is that?	11:00:40
17	A Great Falls.	11:00:47
18	Q Okay. What apparatus did you ride at that	11:00:48
19	station?	11:00:54
20	A Engine 412.	11:00:54
21	Q Who else on your shift was assigned to that	11:01:00
22	apparatus?	11:01:02

VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

92

1	MS. ELKIN: Objection.	11:01:03
2	THE WITNESS: Do you want names?	11:01:06
3	BY MS. REWARI:	11:01:06
4	Q No. Positions.	11:01:07
5	A Positions? We had two technicians, two	11:01:09
6	apparatus technicians, one EMS technician, and three	11:01:17
7	firefighters -- no. Excuse me -- four firefighters.	11:01:22
8	Q What other apparatuses are at that station?	11:01:30
9	A A tanker, two boats, a swift water rescue	11:01:33
10	vehicle, and a brush unit.	11:01:44
11	Q And were there people on your shift who	11:02:01
12	were regularly assigned to any of these apparatuses?	11:02:03
13	A Yes.	11:02:04
14	Q Okay. So let's start with the tanker. Who	11:02:05
15	was assigned to the tanker? Not by name, but by	11:02:08
16	position.	11:02:12
17	A One of the apparatus techs.	11:02:12
18	Q Okay. Oh, that's one of the two techs you	11:02:13
19	talked about before?	11:02:18
20	A Yes.	11:02:18
21	Q Okay. So how many total people were on	11:02:19
22	your shift, not including yourself?	11:02:24

3112
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

221

1	A	Good afternoon.	14:37:52
2	Q	I have a few questions for you.	14:37:53
3	A	Okay.	14:37:54
4	Q	As a Fire Captain I, do you have the	14:37:55
5		authority to assign overtime to off-duty fire	14:37:58
6		personnel?	14:38:01
7	A	No.	14:38:01
8	Q	As a Fire Captain I, do you approve leave?	14:38:01
9	A	No.	14:38:07
10	Q	Do you set minimum staffing levels?	14:38:07
11	A	No.	14:38:09
12	Q	Do you have purchasing authority?	14:38:10
13	A	No.	14:38:11
14	Q	Do you order supplies?	14:38:11
15		MS. REWARI: Object to form.	14:38:13
16		THE WITNESS: No.	14:38:15
17		BY MS. ELKIN:	14:38:15
18	Q	Are there annual station inspections done	14:38:15
19		of all the different fire stations you have been in	14:38:19
20		as a captain?	14:38:23
21	A	Yes.	14:38:24
22	Q	And do you -- who conducts the annual	14:38:24

3113
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

226

1	Q	And at your current station Woodlawn, 24,	14:42:40
2		there's a lieutenant, correct?	14:42:43
3	A	Yes.	14:42:44
4	Q	Okay. How much time would you spend each	14:42:44
5		year doing -- as a captain since January 2011 doing	14:42:48
6		performance appraisals of your shift personnel?	14:42:52
7	A	Very little.	14:42:55
8	Q	Can you give me some -- give me, you know,	14:42:58
9		hours? Days? Months? Years? How much -- how many	14:43:00
10		hours -- let's start there -- each year would you	14:43:03
11		spend doing performance appraisals?	14:43:07
12	A	Each year if I had a lieutenant, probably	14:43:09
13		about once a year -- 1 hour a year. Excuse me.	14:43:12
14	Q	And if you had to do the appraisals of	14:43:15
15		everybody on the shift, how much time would you	14:43:17
16		spend?	14:43:19
17	A	Maybe 1 hour per person per year.	14:43:19
18	Q	Do the lieutenants sign the performance	14:43:24
19		evaluations of their subordinates?	14:43:26
20	A	Yes, they do.	14:43:28
21	Q	How much time do you engage in physical	14:43:43
22		fitness each shift?	14:43:44

3114
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

227

1	A	Approximately 2 hours a day.	14:43:45
2	Q	And what's the purpose of engaging in	14:43:47
3		physical fitness?	14:43:48
4	A	To --	14:43:49
5		MS. REWARI: Object to form.	14:43:50
6		THE WITNESS: To maintain us to be	14:43:51
7		physically fit so we can go out and fight fires and	14:43:52
8		respond to emergency incidents.	14:43:55
9		BY MS. ELKIN:	14:43:56
10	Q	Okay. And who on your shift engages in	14:43:57
11		physical fitness?	14:43:59
12	A	All personnel on the shift.	14:44:00
13	Q	And there were some questions on direct	14:44:04
14		from counsel opposite about training. Do you	14:44:06
15		remember that?	14:44:08
16	A	Yes.	14:44:08
17	Q	What -- what's the purpose of doing	14:44:12
18		in-station training?	14:44:13
19		MS. REWARI: Object to form.	14:44:14
20		THE WITNESS: So we can be better prepared	14:44:15
21		to fight fires and respond to emergency incidents.	14:44:17
22		BY MS. ELKIN:	14:44:19

3115
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

228

1	Q	Okay. And you -- I think you testified	14:44:20
2		that you participated in the training in your	14:44:21
3		stations --	14:44:24
4	A	Yes.	14:44:24
5	Q	-- as a captain; is that right?	14:44:25
6	A	Yes.	14:44:26
7	Q	How much time each shift would you	14:44:27
8		participate with your crew, your subordinates,	14:44:28
9		engaged in training activities related to	14:44:33
10		firefighting duties?	14:44:35
11	A	2 to 3 hours a day.	14:44:36
12	Q	Can you issue any form of discipline, from	14:44:42
13		an oral reprimand above, without sending it up the	14:44:44
14		chain of command for approval?	14:44:47
15		MS. REWARI: Object to form.	14:44:49
16		THE WITNESS: No, I cannot.	14:44:50
17		BY MS. ELKIN:	14:44:55
18	Q	How much time have you spent reporting	14:44:55
19		violations of rules?	14:44:59
20	A	Very little.	14:45:00
21	Q	Well --	14:45:00
22	A	I'm sorry.	14:45:01

3116
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

229

1	Q	Okay. Up the chain of command, up to the	14:45:01
2		battalion chief, since January 2011?	14:45:05
3	A	2011? Again, very little.	14:45:08
4	Q	Okay. Give me a little bit more then.	14:45:13
5	A	Okay.	14:45:15
6	Q	Is it less than an hour? Is it less than 3	14:45:16
7		hours?	14:45:18
8	A	In all those days of working, which are	14:45:18
9		quite a few, maybe 2 or 3 hours.	14:45:20
10	Q	Okay. What is your most important job	14:45:22
11		duty?	14:45:28
12		MS. REWARI: Object to form.	14:45:28
13		THE WITNESS: To respond to emergency	14:45:29
14		incidents, fight fire, help people.	14:45:30
15		BY MS. ELKIN:	14:45:33
16	Q	And what do you do as a captain on a fire	14:45:33
17		scene or an emergency response?	14:45:35
18	A	Primary goal, again, is to fight the fire	14:45:37
19		and make sure the people are safe, which includes	14:45:40
20		making sure the hoses are pulled, pulling the hoses,	14:45:44
21		ventilating, forcing entry, searching, and	14:45:48
22		extinguishing and confining the fire.	14:45:52

VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

230

1 Q And do you do those things when you're on a 14:45:54
2 fire scene as a Captain I? 14:45:56

3 A As a Captain I, I may do those and other 14:45:58
4 things, yes. 14:46:03

5 Q What other things? 14:46:03

6 A I may have to utilize the MCT, speak on the 14:46:04
7 radio, communicate with other unit officers and also 14:46:07
8 communicate with the battalion chief. 14:46:11

9 Q What's an MCT? 14:46:13

10 A Mobile computer terminal. 14:46:14

11 Q And what is that? 14:46:16

12 A It's a terminal inside the -- a computer, a 14:46:20
13 laptop inside the fire truck which gives us the 14:46:22
14 dispatched information -- 14:46:25

15 Q Okay. 14:46:27

16 A -- on the event. 14:46:27

17 Q All right. So if you're inside the truck, 14:46:29
18 then you're not inside the building. So what would 14:46:33
19 be the situation where you're working on the MCT 14:46:36
20 versus fighting fire? 14:46:39

21 A All the units when they're responding to 14:46:40
22 the fire or the EMS incident have one of those, so 14:46:42

3118
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

231

1 while you're riding to the fire scene, the person 14:46:50
2 sitting in the right front seat would utilize that 14:46:53
3 to get the information that the dispatch center 14:46:55
4 gives us. 14:46:57

5 Q Okay. And then once you get to the scene, 14:46:58
6 what do you do? 14:47:00

7 A Get out of the fire truck, size up the 14:47:00
8 situation, do a -- look and see what's needed to be 14:47:03
9 done to correct the incident and then begin work or 14:47:09
10 direct others and talk to the other company officers 14:47:13
11 on the scene to get the job done. 14:47:17

12 Q And the job is what? 14:47:18

13 A Extinguish the fire and save lives. 14:47:20

14 Q What apparatus did you respond to -- 14:47:24
15 respond in when you were in -- assigned to Station 14:47:26
16 12 and 24? 14:47:32

17 A The engine company. 14:47:33

18 Q Would that be the same for all the stations 14:47:34
19 you've been assigned to for -- as a captain? 14:47:36

20 A Primarily, yes. 14:47:40

21 Q Okay. But at 12 and 24 specifically you 14:47:41
22 were on the engine? 14:47:44

3119
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

232

1	A	Yes.	14:47:45
2	Q	And did that engine ever run calls without	14:47:45
3		you on it?	14:47:49
4	A	Yes.	14:47:50
5	Q	In what kind of situation?	14:47:50
6	A	When I wasn't working.	14:47:53
7	Q	Okay. On the days that you were	14:47:54
8		assigned --	14:47:55
9	A	Okay. Sorry.	14:47:56
10	Q	-- to work as -- that's fair -- as a	14:47:56
11		Captain I, did that -- at Station 12 or 24, did that	14:48:00
12		engine ever run a call without you on it?	14:48:03
13	A	No, it did not.	14:48:06
14	Q	So is it fair to say that you ran as a	14:48:07
15		Captain I the same number of calls as your	14:48:09
16		subordinates?	14:48:13
17	A	Yes.	14:48:14
18		MS. REWARI: Object to form.	14:48:14
19		Mischaracterizes his prior testimony.	14:48:15
20		BY MS. ELKIN:	14:48:18
21	Q	Is it fair to say that you ran the same	14:48:18
22		number -- on every shift that you worked, that you	14:48:20

3120
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

233

1 ran the same number of calls as your subordinates? 14:48:23

2 A Yes, it is. 14:48:25

3 Q If you were in the middle of completing one 14:48:29

4 of these performance appraisals and you -- the tone 14:48:31

5 goes off, what do you do? 14:48:34

6 A Stop working on that and respond on the 14:48:37

7 call, which is our primary duty and responsibility. 14:48:40

8 Q And if you were in the middle of drafting 14:48:43

9 an e-mail about a conversation you had with a 14:48:45

10 neighbor, what would you do when the tone goes off? 14:48:49

11 A Stop working on that e-mail and respond to 14:48:52

12 the emergency incident. 14:48:54

13 Q And if you were in the middle of suggesting 14:48:55

14 an idea about the width of a hose and a tone goes 14:48:58

15 off, what would you do? 14:49:02

16 A Stop that action and respond to the 14:49:04

17 emergency incident. 14:49:06

18 Q And if you were in the middle of preparing 14:49:06

19 an e-mail about somebody not reporting their leave 14:49:09

20 accurately and the tone goes off, what would you do? 14:49:12

21 A Stop doing that work and respond to the 14:49:14

22 emergency incident. 14:49:17

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3125
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

234

1 Q And if you were in the middle of reviewing 14:49:19

2 an e-mail about the new Focus time system and the 14:49:21

3 tone goes off, what would -- what would you do? 14:49:24

4 A Stop reviewing that e-mail and respond to 14:49:26

5 the incident. 14:49:28

6 Q And if you were in the middle of reviewing 14:49:39

7 any e-mails from your battalion chief, whether it be 14:49:41

8 about smart goals and objectives or about ants in 14:49:43

9 the countertops at the fire station or about whether 14:49:52

10 you had to deliver discipline to one of your 14:49:57

11 subordinates, if you were in the middle of reviewing 14:49:59

12 any of these e-mails from your battalion chief and 14:50:02

13 the tone goes off, what would you do? 14:50:04

14 A Stop doing those actions and respond to the 14:50:06

15 emergency incident. Nothing trumps our primary role 14:50:08

16 of responding to the fires and emergency incidents. 14:50:12

17 Q Okay. I'd like you to look at Exhibit 335. 14:50:25

18 A Yes. 14:50:46

19 Q If you'd turn to page 4, and can you just 14:50:46

20 tell me the ranks of the employees that were on this 14:50:55

21 team of -- this close call/hazard report team? 14:50:57

22 A Yes. There's four Captain Is and two 14:51:03

3123
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

240

1	A	Yes.	14:56:43
2	Q	Do you have good skills in managing the	14:56:43
3		fire scene?	14:56:46
4	A	In my opinion, yes.	14:56:46
5	Q	Okay. And does that come from your	14:56:48
6		experience of 30-something years in the fire	14:56:50
7		department?	14:56:53
8	A	Yes, it does.	14:56:53
9	Q	Have you ever been -- you were asked	14:57:01
10		questions about light duty and you said you took	14:57:02
11		sick leave, and I'm just curious. Have you ever	14:57:04
12		been injured on the job as a captain?	14:57:07
13	A	Yes.	14:57:09
14	Q	And can you tell us about that?	14:57:10
15	A	We were on a fire in an apartment building.	14:57:11
16		I was going across the parking lot with the crew.	14:57:14
17		Stepped off the curb, tore my hamstring. Once I	14:57:19
18		recovered from that, got up, continued into the	14:57:25
19		building with the rest of the crew. Our crew was	14:57:28
20		assigned to force entry, search the apartment for	14:57:30
21		anyone trapped inside, and assist in fighting the	14:57:34
22		fire.	14:57:38

3123
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

241

1 With that injury I did all those tasks with 14:57:40
2 my crew. After the fire had been contained and 14:57:42
3 controlled, I radioed down to the person in charge 14:57:47
4 that I needed to go to the hospital, which I did and 14:57:51
5 was off for 3 months with a hamstring issue. 14:57:54
6 Q Do Captain Is and lieutenants exchange -- 14:57:56
7 do shift exchanges? 14:58:07
8 A Yes. 14:58:08
9 Q Okay. Have you ever done a shift exchange 14:58:08
10 with a lieutenant? 14:58:10
11 A Yes. 14:58:11
12 Q You've worked as a Captain I in a number of 14:58:20
13 stations, Station 26, 11, 37, 34, 12, 24, et cetera. 14:58:22
14 Were your job duties and responsibilities at these 14:58:27
15 stations the same? 14:58:31
16 A Yes. 14:58:32
17 Q You were asked about -- I don't think you 14:58:34
18 were given any documents, but you were asked about 14:58:36
19 some firefighting -- I don't have the name of it 14:58:39
20 even -- Firefighting and Rescue Engine Company 14:58:42
21 Operations Manual for Northern Virginia, First 14:58:45
22 Edition. 14:58:48

3124
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

244

1	A	Yes.	15:00:20
2	Q	Do all fire department personnel no matter	15:00:24
3		their rank have to follow station policies?	15:00:26
4	A	Yes.	15:00:28
5	Q	Do all fire department personnel no matter	15:00:29
6		their rank have to follow SOPs?	15:00:31
7	A	Yes.	15:00:34
8	Q	Do they have to follow -- be familiar with	15:00:34
9		and follow county rules and regulations?	15:00:36
10	A	Yes.	15:00:38
11	Q	Oh, I forgot to invite my friends back in.	15:00:43
12		Somebody should have reminded me.	15:00:47
13		(Mr. Vannoy and Mr. Gonzalez returned	15:00:54
14		to the deposition.)	15:00:56
15	MS. ELKIN:	I forgot to invite you back in,	15:00:58
16		but now I'm done, but I don't know if Ms. Rewari has	15:01:00
17		any follow-up questions.	15:01:04
18	MS. REWARI:	I do. Can we just go off the	15:01:06
19		record for a few minutes? Let me just collect my	15:01:10
20		notes.	15:01:12
21	THE VIDEOGRAPHER:	We'll go off the record.	15:01:12
22		The time is 15:01.	15:01:14

3125
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

250

1	A	Yes. I'm basing it on that, yes.	15:09:12
2	Q	Your counsel asked you about your -- what	15:09:21
3		you do as a Captain I at a fire scene. What did you	15:09:24
4		do as a Captain I at a medical call?	15:09:27
5	A	It can be anything from take blood pressure	15:09:31
6		to put a bandage on to splinting to calling for	15:09:33
7		additional resources if needed. Any role that a	15:09:38
8		firefighter or any one of us would play or any task.	15:09:41
9		Excuse me.	15:09:46
10	Q	Do you have an ALS certified person on your	15:09:46
11		engine?	15:09:50
12	A	Most of the time, yes.	15:09:51
13	Q	Okay. And so most of the time -- and you	15:09:54
14		yourself are not ALS certified?	15:09:57
15	A	No, I am not.	15:09:58
16	Q	And so when you are taking blood pressure,	15:10:01
17		what is the ALS certified person doing?	15:10:04
18	A	That's up to them. I mean, they're --	15:10:07
19		basically, they're in charge of the patient care and	15:10:11
20		the patient scene. At that time I just become a	15:10:14
21		worker for them.	15:10:18
22	Q	You become a worker for them?	15:10:19

3126
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

256

1	and ready, right?	15:14:25
2	A Yes.	15:14:26
3	Q And it's part of your job as a shift leader	15:14:26
4	to make sure that all the gear on the apparatuses is	15:14:28
5	shipshape and ready to go, right?	15:14:37
6	A Yes.	15:14:40
7	Q And that the vehicles are ready to go,	15:14:44
8	right?	15:14:46
9	A Yes.	15:14:46
10	Q And it's part of your job to ensure that	15:14:46
11	the personnel on your shift are properly trained to	15:14:51
12	respond to whatever the emergency requires, right?	15:14:53
13	A Yes.	15:15:00
14	Q And in order for you and your crew to be	15:15:06
15	able to respond to emergencies and fire calls, the	15:15:10
16	station itself also has to be functional, right?	15:15:15
17	A Mm-hmm. Yes.	15:15:18
18	Q The garage doors have to work, for example,	15:15:19
19	correct?	15:15:25
20	A Yeah.	15:15:25
21	Q And that is part of your job during your	15:15:26
22	shift, to make sure that the equipment in the	15:15:29

VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

257

1 station is working as well, right? 15:15:32

2 A Right, as it is everyone's. 15:15:33

3 Q It is your job to ensure that when your 15:15:38

4 shift is over, that either it's all working or it's 15:15:43

5 been reported that it's not working, right? 15:15:46

6 MS. ELKIN: Objection. 15:15:48

7 THE WITNESS: It's everyone's job to make 15:15:49

8 sure all the things are working, and I would be the 15:15:50

9 person who would channel any discrepancies or 15:15:53

10 whatever upward through the chain of command to be 15:15:58

11 resolved by the folks who make those decisions. So 15:16:00

12 the fire chief is ultimately responsible for 15:16:03

13 everything. 15:16:06

14 BY MS. REWARI: 15:16:07

15 Q The fire chief? 15:16:07

16 A Yes. I'm just an agent of his at that 15:16:08

17 lower level. 15:16:12

18 Q Okay. I don't have any further questions. 15:16:13

19 MS. ELKIN: I have a few more. 15:16:15

20 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS 15:16:15

21 BY MS. ELKIN: 15:16:15

22 Q Who is the highest-ranking officer on your 15:16:18

3128
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

259

1 the equipment is ready, the apparatus is functional, 15:17:13
2 that the station is functional, your personnel are 15:17:16
3 prepared and trained. 15:17:18

4 Do you recall that questioning? 15:17:19

5 A Yes, I do. 15:17:20

6 Q Does anybody else on your shift have the 15:17:20
7 job of ensuring that the equipment is ready, the 15:17:24
8 apparatus is functioning, and that they're prepared 15:17:27
9 to fight fires? 15:17:29

10 A Yes, everyone. 15:17:30

11 Q Okay. And that would be at the rank of 15:17:31
12 firefighter all the way up to you? 15:17:33

13 A Yes. 15:17:35

14 Q I don't have any further -- oh, wait. Hold 15:18:09
15 on. 15:18:12

16 Is there -- have you heard of something 15:18:28
17 called a master calendar? 15:18:29

18 A Yes. 15:18:30

19 Q And does the district -- sorry -- deputy 15:18:31
20 chief set the training, sort of the mandatory 15:18:39
21 training, on the master calendar? 15:18:41

22 A Yes. 15:18:43

3129
VIDEOTAPED DEPOSITION OF DAVID GREG LANGE
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

260

1 Q Is that the level that the mandatory 15:18:44
2 training is set at? 15:18:47

3 A Yes. 15:18:48

4 Q Okay. And if you were told by the district 15:18:48
5 chief that your crew at Station 24 or any of the 15:18:54
6 other stations have to attend mandatory training at 15:18:57
7 the training academy, do you have the discretion to 15:19:00
8 say no, we don't want to do that? 15:19:02

9 A No, I do not. 15:19:04

10 Q And would you go to the training academy 15:19:05
11 with your crew in instances where the master 15:19:07
12 calendar has your crew scheduled for training? 15:19:10

13 A Yes, I would. 15:19:13

14 Q And would you participate in that training? 15:19:14

15 A Yes, I would. 15:19:16

16 Q I don't have anything else. 15:19:24

17 THE VIDEOGRAPHER: If there's no further 15:19:27
18 questions, we'll conclude and go off the record. 15:19:29
19 The time is 15:19. 15:19:31

20 THE COURT REPORTER: Counsel, are you 15:19:34
21 purchasing the transcript? 15:19:35

22 MS. ELKIN: Are you asking her or me? 15:19:38

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :
-----x

Videotaped Deposition of MARK PATRICK MENTON
McLean, Virginia
Tuesday, June 10, 2014
2:19 p.m.

Job No: 56790
Pages: 1 - 153
Reported by: Karen Brynteson, RPR, RMR, CRR, FAPR

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

28

1	A. Yes.	02:38:30
2	Q. Thank you. Have you sustained any	02:38:30
3	on-the-job injuries at the Department requiring you	02:38:35
4	to miss work?	02:38:37
5	A. Several.	02:38:38
6	Q. What can you tell me about -- what do you	02:38:39
7	recall about those?	02:38:42
8	A. The -- again, chronologically speaking I	02:38:43
9	may not be accurate, but I believe the last one was	02:38:47
10	a knee injury that I sustained. We were doing	02:38:51
11	evolutions at the Academy.	02:38:54
12	I forced open a door and then I was	02:38:56
13	rejoining my engine company and I tripped over some	02:38:59
14	hose and landed on my knees right in front of the	02:39:01
15	field training officer at the time.	02:39:05
16	Q. What was more severely hurt, your knee or	02:39:08
17	your pride?	02:39:12
18	A. Definitely my ego because he is a friend	02:39:12
19	of mine.	02:39:14
20	Q. And did you miss work for that?	02:39:15
21	A. I did, about a month.	02:39:16
22	Q. So did you have to have surgery?	02:39:17

3132
VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

29

1	A.	No, just an MRI. The torn cartilage	02:39:19
2		wasn't significantly torn.	02:39:23
3	Q.	Just rest and rehab, right?	02:39:25
4	A.	Um-hum.	02:39:28
5	Q.	What do you recall before that?	02:39:28
6	A.	Before that was probably we were working	02:39:31
7		a fire in Company 9's area and we had a section of a	02:39:35
8		ceiling fall on us.	02:39:40
9	Q.	So approximately what year would that	02:39:43
10		have been?	02:39:45
11	A.	It was after I was at 11, so it would be	02:39:45
12		between 2010 and now, I am guessing 2013 -- well, it	02:39:51
13		might be November 2012. If you -- we can pull out	02:39:56
14		the medical records. I can show them to you and	02:39:59
15		break them down a little easier.	02:40:01
16	Q.	Okay. I actually don't have those with	02:40:02
17		me.	02:40:03
18	A.	Okay.	02:40:04
19	Q.	So November 2012 is your recollection?	02:40:04
20	A.	That's what I am recollecting, yeah,	02:40:06
21		about.	02:40:08
22	Q.	So what fell on you?	02:40:08

1	sorry.	02:41:05
2	Q. That's all right. You can go -- any time	02:41:05
3	while we're still, your deposition is still open, if	02:41:08
4	you think of something that you wanted to say to	02:41:10
5	supplement a previous answer or even to correct a	02:41:13
6	previous answer, particularly if we have gone way	02:41:15
7	past it, let your lawyer know and she will let me	02:41:19
8	know.	02:41:20
9	A. Right. No, I just want to finish with	02:41:21
10	that one. I am still trying to think of different	02:41:22
11	times.	02:41:24
12	There was one incident in Lorton when I	02:41:24
13	was there. We had a pregnant lady we had to get	02:41:26
14	emergently out of her vehicle, and I strained my	02:41:30
15	back doing that. That would have been in that	02:41:32
16	one-year time frame but I couldn't tell you when.	02:41:39
17	Q. That's fine. So back to Captain II. You	02:41:41
18	have not sought promotion to Captain II, correct?	02:41:46
19	A. No.	02:41:49
20	Q. Do you have any current plans to do so?	02:41:50
21	A. At some point, but I have another 15	02:41:57
22	years to go, so I have plenty of time.	02:42:00

3134
VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

105

1	resort?	04:08:00
2	A. From my perspective as a captain, I don't	04:08:01
3	-- for me it is not an option. And I say that	04:08:05
4	because I can't just arbitrarily say this is a bad	04:08:09
5	behavior and I'm going to discipline you for it.	04:08:12
6	I have to get approval through not only	04:08:16
7	my battalion chief but through the deputy chief, and	04:08:19
8	then it comes back down whether or not that can	04:08:22
9	happen.	04:08:24
10	So I don't give discipline. I usually	04:08:24
11	fill out the forms, sign it, and hand it to the	04:08:30
12	employee. I can give it that way. But discipline	04:08:33
13	comes from above me. So --	04:08:35
14	Q. If something happens, though, on your	04:08:37
15	command, if someone doesn't show up for work or	04:08:40
16	shows up late without an excuse, or violates an SOP,	04:08:42
17	the disciplinary process is started then, correct?	04:08:48
18	A. Correct. Just like if I was a lieutenant	04:08:52
19	filling in for one of the captains or if I'm off --	04:08:54
20	like right now my lieutenants are on the shift --	04:08:58
21	they would start that same process without me.	04:09:01
22	Q. Over the course of a 12-month period	04:09:03

3135
VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

106

1	since you have been a Captain I, how much time do	04:09:06
2	you think you have spent in the formal disciplinary	04:09:08
3	process?	04:09:13
4	A. Very little.	04:09:15
5	Q. Less than a day?	04:09:18
6	A. In the four years?	04:09:21
7	Q. Yes.	04:09:21
8	A. Probably a total --	04:09:23
9	Q. On an annual basis.	04:09:24
10	A. On an annual basis, a couple of hours a	04:09:26
11	year.	04:09:30
12	Q. Have you had occasion to make a	04:09:36
13	recommendation to one of your superiors about what a	04:09:44
14	particular discipline should be, if you remember?	04:09:51
15	A. No, no.	04:09:56
16	Q. No, you haven't or, no, you don't	04:09:56
17	recommend -- or you don't remember?	04:09:59
18	A. I don't recall.	04:09:59
19	Q. Let me show you Exhibit 600.	04:10:00
20	A. I do recognize this.	04:10:09
21	MR. POWELL: Hold on just a minute.	04:10:10
22	Counsel, I can't have Captain Gonzalez looking over	04:10:12

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

107

1	your shoulder for this particular exhibit. I know	04:10:15
2	he wasn't trying to see something he shouldn't see.	04:10:18
3	BY MR. POWELL:	04:10:18
4	Q. And, Captain Menton, the name of the	04:10:20
5	employee involved in this is listed on the document.	04:10:24
6	A. Yes. I do recall this.	04:10:28
7	Q. I am not going to -- I am not going to	04:10:29
8	use that name and would ask you to try to avoid	04:10:31
9	using it.	04:10:33
10	A. No, and that's fine. That's fine.	04:10:33
11	Q. We're just protecting that person's --	04:10:34
12	A. This is actually a funny story, not	04:10:36
13	because of the discipline, but this was my first day	04:10:39
14	as a captain. So I didn't really recommend this.	04:10:41
15	When I showed up, Chief Wolfrey told me that we	04:10:43
16	would be doing this.	04:10:46
17	And I said, well, I'm brand new here.	04:10:47
18	And he goes, well, you are the captain.	04:10:51
19	So what he did was he produced the	04:10:53
20	document for me and I signed it because I was his	04:10:55
21	captain, but this was all done way ahead of when I	04:10:58
22	showed up.	04:11:03

3137
VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

108

1	Q.	So the incident in question happened in	04:11:05
2		July of 2010, right?	04:11:08
3	A.	Correct. Ahead of me.	04:11:10
4	Q.	Ahead of you. You show up --	04:11:11
5	A.	It was, if you look at some of the	04:11:13
6		charges, you know, there is --	04:11:15
7	Q.	Some of the prior --	04:11:16
8	A.	There is a lot going on here.	04:11:17
9	Q.	There's a pattern with this particular --	04:11:18
10	A.	So it didn't just happen July 24th.	04:11:20
11		There had been some stuff going on ahead of that.	04:11:22
12		That said, my point is that something of	04:11:25
13		this magnitude is not something that I put in, as a	04:11:26
14		captain, that I put in progress. It is something	04:11:30
15		that happens above me.	04:11:33
16		And even something smaller than this, I	04:11:34
17		had a written reprimand that EMS administration	04:11:37
18		pushed down that they wanted done, and I had to do	04:11:41
19		it against what I wanted to do. But I was ordered	04:11:45
20		to do it, so I had to fill it out.	04:11:48
21	Q.	Well, am I correctly understanding that	04:11:50
22		after I showed you the exhibit it helped you	04:11:53

3138
VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

109

1 remember the specific incident, right?

04:11:56

2 A. Yes. And I can remember it fairly well,
3 just, like I said, because it was one of my first
4 days as a captain. So --

04:11:58

04:12:01

04:12:03

5 Q. Who prepared this, who wrote this
6 memorandum?

04:12:04

04:12:06

7 A. Chief Wolfrey.

04:12:07

8 Q. He wrote it?

04:12:08

9 A. Yes.

04:12:11

10 Q. In effect, ghost writing it for you?

04:12:12

11 A. Well, you know what, I shouldn't say he
12 wrote it. He handed it to me. So I did not write
13 it. I assume he wrote it. But, frankly, it could
14 have come from someone else above him, or he could
15 have delegated it to somebody else.

04:12:14

04:12:15

04:12:18

04:12:21

04:12:23

16 Q. Did you -- did you agree with the
17 recommendation?

04:12:25

04:12:29

18 A. I had no word in the recommendation.

04:12:30

19 There was no agreeing. There was no disagreeing.

04:12:32

20 There was: This is what's going on.

04:12:35

21 Q. But without -- without the benefit of

04:12:37

22 your testimony, if anybody were to just look at the

04:12:39

3139
VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

110

1	document, it looks like a memo from you to the	04:12:42
2	chief?	04:12:45
3	A. Absolutely.	04:12:45
4	Q. With your recommendation, right?	04:12:45
5	A. Absolutely.	04:12:47
6	Q. And what you are telling us is that's not	04:12:47
7	exactly what happened?	04:12:49
8	A. That's not at all what happened.	04:12:51
9	Q. All right. I understand.	04:12:53
10	A. And this -- it wasn't something that you	04:12:56
11	had an option to do. So let me just reiterate that.	04:13:01
12	This was already in place.	04:13:07
13	Q. Do you remember what the resolution was	04:13:07
14	for this particular technician?	04:13:09
15	A. Well, I can tell you right now that that	04:13:11
16	technician is a lieutenant.	04:13:14
17	Q. Did he receive the written reprimand for	04:13:17
18	this particular event?	04:13:19
19	A. I believe he did. I believe he did. But	04:13:21
20	he didn't get fired. He is a lieutenant now.	04:13:27
21	Q. Do you remember a little later on in that	04:13:30
22	same year, 2010, having some involvement with	04:13:44

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

133

1	questions for you.	04:53:52
2	MS. BURROUGHS: I will have a few. Can	04:53:54
3	we take a brief break off the record and I can	04:53:56
4	prepare to go a little quickly?	04:53:59
5	MR. POWELL: Sure.	04:54:02
6	THE VIDEO OPERATOR: Going off the	04:54:03
7	record. The time is 16:54.	04:54:03
8	(A recess was taken at 4:54 p.m., after which	04:54:06
9	the deposition resumed at 4:59 p.m.)	04:59:17
10	THE VIDEO OPERATOR: Back on the record.	04:59:18
11	The time is 16:59.	04:59:19
12	EXAMINATION BY COUNSEL FOR PLAINTIFFS	04:59:22
13	BY MS. BURROUGHS:	04:59:22
14	Q. I just have a few questions for you.	04:59:23
15	Captain Menton, as a Fire Captain I, do	04:59:25
16	you have the authority to assign overtime to	04:59:27
17	off-duty firefighters?	04:59:29
18	A. No. That is done by a technician, OP 6.	04:59:31
19	Q. And is OP 6 -- can you describe what OP 6	04:59:34
20	is?	04:59:36
21	A. It is a staffing office guy, the	04:59:36
22	secretary.	04:59:39

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

134

1	Q.	Do you know the physical location of that	04:59:39
2		office?	04:59:41
3	A.	Station 34.	04:59:41
4	Q.	Is that your station?	04:59:42
5	A.	No.	04:59:44
6	Q.	Does OP --	04:59:44
7	A.	It was back a long time ago, but he	04:59:45
8		wasn't stationed there at the time.	04:59:48
9	Q.	Okay. Does OP 6 handle those kind of	04:59:49
10		staffing issues for the entire Department?	04:59:51
11	A.	Yes.	04:59:52
12	Q.	As a Fire Captain I, do you approve	04:59:53
13		leave?	04:59:57
14	A.	No. Again, that's OP 6.	04:59:58
15	Q.	As a Fire Captain I, do you set minimum	04:59:59
16		staffing levels?	05:00:03
17	A.	No, that's determined by someone up above	05:00:03
18		us, probably at the assistant level.	05:00:09
19	Q.	Okay. In the stations that you have been	05:00:10
20		assigned as a Captain I, do lieutenants perform --	05:00:16
21		do lieutenants prepare performance appraisals?	05:00:21
22	A.	Yes.	05:00:23

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

135

1 Q. When lieutenants prepare performance 05:00:23
2 appraisals, do they sign them? 05:00:25

3 A. Yes. 05:00:27

4 Q. Do you also sign those performance 05:00:27
5 appraisals? 05:00:30

6 A. Yes, but so do battalion chiefs. 05:00:31

7 Q. In your experience, has a battalion chief 05:00:34
8 ever signed a performance appraisal ever a 05:00:36
9 lieutenant has completed it? 05:00:39

10 A. Yes. Again, if I am on leave or 05:00:40
11 whatever. It is not really relevant who does it, as 05:00:47
12 long as it gets done, because they can handle it. 05:00:49

13 Q. Earlier we talked about a memo that you 05:00:51
14 had prepared for your shift. I am going to try to 05:01:01
15 find it if I can. 05:01:04

16 Defendant's Exhibit 539, can you find 05:01:09
17 that for me? 05:01:11

18 A. Did I give it back to you? 05:01:13

19 Q. It is somewhere in your pile. 05:01:15

20 MR. POWELL: It is in one of those 05:01:17
21 stacks. 05:01:19

22 THE WITNESS: Okay. 05:01:19

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

138

1	Q. Did you put those in any particular order	05:02:56
2	when you wrote this memo?	05:03:00
3	A. Yes.	05:03:01
4	Q. What --	05:03:01
5	A. Priority order.	05:03:03
6	Q. Okay. So you would say that number 1 is	05:03:04
7	your top priority?	05:03:06
8	A. Yes.	05:03:07
9	Q. Okay. So that would be running emergency	05:03:07
10	calls?	05:03:09
11	A. Yes.	05:03:10
12	Q. Okay. Now I am done with that one.	05:03:12
13	A. Okay.	05:03:16
14	Q. As a Captain I, can you issue discipline	05:03:17
15	without sending it up the chain of command for	05:03:30
16	approval?	05:03:31
17	A. No.	05:03:32
18	Q. As a Captain I, what do you do on fire --	05:03:32
19	let's start with fire scene response when you are	05:03:41
20	dispatched to a fire scene?	05:03:43
21	A. Okay. It depends on what the call is,	05:03:45
22	but I'm on the engine company, so we will deploy	05:03:49

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

139

1 hose lines and fight the fire. 05:03:53

2 Q. Since I am not a firefighter, can you 05:03:55
3 describe for me what fighting the fire is, what is 05:03:57
4 involved in that? 05:04:00

5 A. Yeah. Initially I will take a lap and 05:04:01
6 survey it, find out where the fire is, while the 05:04:08
7 line is laid out. 05:04:11

8 And then once I make it back, we get 05:04:11
9 together as a team, pick up the hose, and we go to 05:04:15
10 where the fire is and put it out. 05:04:17

11 Q. Okay. And do you respond to emergency 05:04:19
12 medical incidents as a Captain I? 05:04:24

13 A. Yes. 05:04:27

14 Q. As a Captain I, what do you do on an 05:04:27
15 emergency medical scene? 05:04:29

16 A. Gather information, patient information. 05:04:30
17 If I need to, I can interact with patients, like the 05:04:33
18 time I mentioned when I hurt my back pulling that 05:04:37
19 pregnant lady out. 05:04:42

20 So really whatever is required. Every 05:04:43
21 medical -- there is no standard call, so it is hard 05:04:44
22 to answer the question, but whatever, whatever is 05:04:46

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

140

1 necessary is what we do.

05:04:50

2 Q. And we talked a little earlier about your
3 paramedic certification.

05:04:52

05:04:54

4 A. Um-hum.

05:04:55

5 Q. And you said you are not currently
6 certified as a paramedic for the county, right?

05:04:56

05:04:59

7 A. Not for the county.

05:05:01

8 Q. Are you still certified in basic life
9 support for the county?

05:05:03

05:05:05

10 A. Correct.

05:05:06

11 Q. What sorts of things can you do with a
12 certification in basic life support?

05:05:06

05:05:09

13 A. CPR, splinting, Band-Aids. Assessments I
14 can still do at a higher level, like I talked about,
15 because of my knowledge base. You can do airway
16 control, ventilations.

05:05:10

05:05:17

05:05:20

05:05:24

17 It's a pretty, pretty long list that the
18 basics do. Vital signs.

05:05:27

05:05:29

19 Q. And do you do those sorts of things in
20 your position as a Captain I?

05:05:32

05:05:34

21 A. Yeah, as needed.

05:05:36

22 Q. You said you are generally assigned to

05:05:37

3146
VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

141

1	the engine; is that correct?	05:05:41
2	A. Correct.	05:05:42
3	Q. Does your engine ever respond to a call	05:05:43
4	without you on it if you are on the shift that day?	05:05:45
5	A. Never.	05:05:48
6	Q. Do you go on the same number of calls as	05:05:48
7	subordinates assigned to your engine?	05:05:52
8	A. Yes.	05:05:54
9	Q. When the tone rings and you are	05:05:54
10	dispatched, you have to go; is that right?	05:06:00
11	A. That's correct.	05:06:03
12	Q. And is that true no matter what you are	05:06:03
13	doing, if you are doing training or physical fitness	05:06:05
14	or completing performance appraisals?	05:06:07
15	A. Yes.	05:06:10
16	Q. So if you were writing an e-mail, like	05:06:13
17	some of the ones that we just talked about not too	05:06:14
18	long ago, and you were dispatched, would you	05:06:17
19	continue writing that e-mail?	05:06:19
20	A. No.	05:06:20
21	Q. What would you do?	05:06:20
22	A. I would get up and run the call.	05:06:21

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

142

1	Q. If you were completing a performance	05:06:23
2	appraisal, like we talked about earlier, and the	05:06:27
3	tone went off and you were dispatched, what would	05:06:29
4	you do?	05:06:31
5	A. Same thing, except I might pull my door	05:06:31
6	shut as I went out.	05:06:33
7	Q. Can you pick up one of your performance	05:06:34
8	appraisals. I have 596 handy. Do you have that	05:06:46
9	one?	05:06:48
10	A. Yeah, it is right on top.	05:06:48
11	Q. Okay. Can you turn to page 4 for me.	05:06:49
12	A. Yes.	05:07:02
13	Q. On page 4 there is a section labeled	05:07:02
14	Section B: Don't complete this section if the	05:07:04
15	employee does not supervise others.	05:07:06
16	Do you see that?	05:07:07
17	A. Yes.	05:07:08
18	Q. And it looks like the section is	05:07:08
19	completed for you, correct?	05:07:10
20	A. Yes.	05:07:11
21	Q. And do you complete this section, Section	05:07:12
22	B, if you are filling out a performance appraisal	05:07:15

VIDEOTAPED DEPOSITION OF MARK PATRICK MENTON
CONDUCTED ON TUESDAY, JUNE 10, 2014

143

1	for a lieutenant?	05:07:17
2	A. Yes. And as a lieutenant, I have filled	05:07:18
3	out these things, not in this particular section,	05:07:27
4	but I filled out an ER before.	05:07:30
5	Q. As -- you filled out ERs as a lieutenant?	05:07:34
6	A. As a lieutenant.	05:07:36
7	Q. Okay.	05:07:37
8	A. Yeah.	05:07:38
9	Q. And when you did that, did you sign it as	05:07:39
10	the signature of supervisor preparing this	05:07:40
11	appraisal?	05:07:43
12	A. Yes.	05:07:44
13	Q. Okay. Can you pull out Defendant's	05:07:44
14	Exhibit 599. It was that checkpoint 360 we went	05:07:57
15	through a little earlier.	05:08:02
16	MS. BURROUGHS: Do you want me to wait a	05:08:16
17	minute?	05:08:18
18	MR. POWELL: No, I have got it. Thank	05:08:18
19	you.	05:08:20
20	BY MS. BURROUGHS:	05:08:21
21	Q. What did you do so that this could be	05:08:21
22	completed?	05:08:23

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)
-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :
-----x

Videotaped Deposition of DONALD PATRICK MONTAGUE
McLean, Virginia
Tuesday, June 3, 2014
5:08 p.m.

Job No.: 59004
Pages: 1 - 132
Reported By: Rebecca Stonestreet, RPR, CRR

3150
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

26

1	Q	What?	17:25:18
2	A	I don't recall what it was.	17:25:19
3	Q	Just one?	17:25:21
4	A	There's only one, yeah.	17:25:21
5	Q	What was the nature of the injury?	17:25:22
6	A	I don't recall what it was, yeah.	17:25:24
7	Q	Okay. And when you -- when you say	17:25:26
8		"reportable," what do you mean by that?	17:25:27
9	A	Well, that would be that you have to	17:25:29
10		actually file a report to say that it's serious	17:25:32
11		enough that you want to have it covered.	17:25:36
12	Q	Covered by Workers' Comp?	17:25:37
13	A	Yes. Uh-huh.	17:25:39
14	Q	Was it? This --	17:25:41
15	A	It didn't -- it didn't need to be, to the	17:25:42
16		best of my recollection.	17:25:45
17	Q	And did you miss work on account of that?	17:25:46
18	A	No.	17:25:48
19	Q	But was the hernia covered by	17:25:48
20		Workers' Comp?	17:25:51
21	A	Yes, it was.	17:25:52
22	Q	Was that contested?	17:25:53

3151
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

27

1	A	No.	17:25:54
2	Q	What about unreported, unreportable	17:25:55
3		injuries?	17:26:03
4	A	Cuts, scrapes, bruises.	17:26:03
5	Q	Just sort of garden variety,	17:26:07
6		run-of-the-mill things that happen to firefighters?	17:26:10
7	A	Uh-huh. Yeah.	17:26:12
8	Q	Not severe in enough to require	17:26:13
9		reporting; not severe enough to miss work.	17:26:16
10		Correct?	17:26:17
11	A	Correct.	17:26:18
12	Q	Have you ever suffered any injury that	17:26:18
13		led you to go on light duty?	17:26:21
14	A	Not an injury from work, no.	17:26:23
15	Q	Have you been -- so I take it you're	17:26:30
16		remembering at least one instance when you were on	17:26:35
17		light duty?	17:26:37
18	A	Yes.	17:26:38
19	Q	What was that?	17:26:38
20	A	That was a -- I had a foot operation, and	17:26:39
21		they returned me to light duty before I was able to	17:26:42
22		come back into the field.	17:26:45

3152
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

42

1	the station?	17:40:08
2	A Yes.	17:40:08
3	Q All right. And you would review that in	17:40:09
4	order to help you prepare the formal written	17:40:11
5	evaluation?	17:40:13
6	A Yes.	17:40:14
7	Q Once you prepared a written evaluation,	17:40:14
8	what happened next?	17:40:27
9	A As far as...	17:40:27
10	I don't understand what you mean, "what	17:40:34
11	happened next."	17:40:36
12	Q When you prepare it, next would you then	17:40:36
13	sit down with the employee and review it? What was	17:40:42
14	the process?	17:40:45
15	A Okay. The process would be you would	17:40:45
16	write up the evaluation and then you would send it	17:40:47
17	to -- "you" meaning myself, send it to the	17:40:49
18	battalion chief for review.	17:40:53
19	Q And then what would happen?	17:40:53
20	A And he would -- after his review, he	17:40:55
21	could either add or delete anything that he desired	17:41:01
22	to do.	17:41:04

VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

47

1 Q When you say that you were ordered by 17:44:52
2 your battalion chief to issue an oral reprimand to 17:45:03
3 [REDACTED], how is it that the battalion 17:45:06
4 chief knew about [REDACTED] behavior? 17:45:09

5 A We are required to report in if a man was 17:45:13
6 missing at lineup, and since [REDACTED] was 17:45:19
7 not there in the station, I was required to notify 17:45:23
8 my battalion chief and let him know that we would 17:45:29
9 need to hold a person over in [REDACTED] 17:45:32
10 position. 17:45:34

11 Q And so [REDACTED] mistake was 17:45:35
12 not only being late but not telling you about it. 17:45:42
13 Right? So he's -- you have lineup at the beginning 17:45:47
14 of the shift and he's not there. 17:45:49

15 A Oh, no. He -- he -- we were informed -- 17:45:50
16 he informed me that he would be late. 17:45:50

17 Q That he would be late. 17:45:50

18 A Yes. 17:45:50

19 Q And, in fact, he was late. 17:45:50

20 A Yes. 17:45:50

21 Q And then you, following procedure, 17:45:50
22 notified the battalion chief not only for the 17:45:52

3154
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

48

1 disciplinary purpose but also because you've got a 17:45:54

2 staffing issue -- 17:45:57

3 A Yes. 17:45:57

4 Q -- that you've got to take care of 17:45:57

5 because you're the shift commander? 17:45:59

6 A Yes. 17:46:02

7 Q So the battalion chief then gets involved 17:46:03

8 to do two things. Right? He gets involved for the 17:46:05

9 disciplinary issue and also to render whatever 17:46:10

10 assistance you might need to fill the staffing gap? 17:46:10

11 A Yes. That's correct. 17:46:13

12 Q So what -- when you say the battalion 17:46:13

13 chief ordered you to issue an oral reprimand, was 17:46:15

14 that in response to a recommendation from you that 17:46:19

15 this was the right response to [REDACTED] 17:46:21

16 tardiness? 17:46:26

17 A No. When it was reported that he was 17:46:26

18 late, I was told that he would be given a 17:46:30

19 reprimand. 17:46:32

20 Q Did you express an opinion on what the 17:46:33

21 punishment for [REDACTED] should be? 17:46:40

22 A No, I did not. 17:46:42

3155
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

49

1	Q	Why not?	17:46:43
2	A	Because the rules and regulations, SOPs,	17:46:44
3		state on tardiness what steps are to be taken in	17:46:51
4		the event someone is late for work.	17:46:59
5	Q	Do you remember ever preparing a written	17:47:01
6		reprimand for someone?	17:47:06
7	A	I know I have over my career, but I don't	17:47:06
8		know --	17:47:16
9	Q	You're not remembering a specific	17:47:16
10		instance?	17:47:18
11	A	Correct.	17:47:19
12	Q	Did you -- when you would prepare a	17:47:19
13		written reprimand, would you follow the same	17:47:23
14		procedure each time for proposed written reprimand?	17:47:25
15	A	It depended on what the reprimand was and	17:47:30
16		what violation was broken. Well, violation	17:47:33
17		occurred.	17:47:38
18	Q	Would it have been your -- if a -- I take	17:47:38
19		it the conduct that would maybe -- that would	17:47:42
20		perhaps justify a written reprimand is a more	17:47:46
21		serious infraction than the conduct that would lead	17:47:50
22		to an oral reprimand?	17:47:52

3156
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

50

1	A	That's correct.	17:47:52
2	Q	So when something would happen that in	17:47:53
3		your judgment might be worthy a written reprimand,	17:47:56
4		you already were dealing with a situation that was	17:48:00
5		a more serious violation than for an oral	17:48:04
6		reprimand. Correct?	17:48:08
7	A	Can you restate that again?	17:48:08
8	Q	Yes. Let me -- let me come at it another	17:48:10
9		way.	17:48:13
10		When something happened that in your	17:48:13
11		judgment might be worthy of a written reprimand,	17:48:16
12		you would fill out some paperwork. Correct?	17:48:19
13	A	Correct.	17:48:21
14	Q	And you would send that on to the	17:48:22
15		battalion chief?	17:48:25
16	A	Correct.	17:48:25
17	Q	In accordance with the SOP?	17:48:25
18	A	Correct.	17:48:29
19	Q	In that paperwork, is it true that you	17:48:29
20		would include a recommendation that this person	17:48:34
21		receive a written reprimand?	17:48:40
22	A	No. No. It's stipulated in the rules	17:48:41

51

1 and regulations what steps are to be followed for 17:48:43
2 disciplinary action. 17:48:46

3 Q Well, how is it that the battalion chief 17:48:46
4 would know that a written reprimand was in your -- 17:48:49
5 was in your head as a possible -- as the -- what 17:48:51
6 you thought was the right result? 17:48:54

7 A How would the battalion chief know there 17:49:01
8 was a written reprimand in my head? I don't know 17:49:03
9 how he would know that. 17:49:05

10 Q The form wouldn't say that this -- you 17:49:07
11 were recommending this person for a written 17:49:09
12 reprimand? 17:49:12

13 A He may inquire if -- what step in the 17:49:12
14 process this individual was in. He may be aware of 17:49:14
15 it; he may not. So if he's inquiring about the 17:49:17
16 step in the process that this individual is in, 17:49:20
17 that would determine -- if it's written reprimand, 17:49:23
18 oral, that would determine that he's just 17:49:27
19 investigating to see where in the process this 17:49:32
20 individual is as far as his -- 17:49:37

21 Q Or possibly a more serious punishment. 17:49:38
22 Correct? 17:49:41

3158
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

106

1	maybe now would be a good time to take a short	19:04:12
2	break before we do that.	19:04:15
3	THE WITNESS: Okay.	19:04:16
4	THE VIDEOGRAPHER: Going off the record.	19:04:17
5	The time is now 19:04.	19:04:18
6	(Recess taken.)	19:04:21
7	THE VIDEOGRAPHER: Back on the record.	19:11:43
8	The time is now 19:11.	19:12:00
9	EXAMINATION BY COUNSEL FOR PLAINTIFFS	19:12:03
10	BY MS. BURROUGHS:	19:12:04
11	Q Just have a few questions for you.	19:12:05
12	As a Fire Captain I, do you have the	19:12:07
13	authority to assign overtime to off-duty	19:12:10
14	firefighters?	19:12:13
15	A No, I do not.	19:12:13
16	Q As a Fire Captain I, do you approve	19:12:15
17	leave?	19:12:18
18	A No, I do not.	19:12:19
19	Q Do you set minimum staffing levels as a	19:12:19
20	Fire Captain I?	19:12:23
21	A No.	19:12:24
22	Q As a Fire Captain I, did you do	19:12:24

3159
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

107

1	performance appraisals?	19:12:27
2	A Yes.	19:12:28
3	Q About how much time did you spend doing	19:12:28
4	performance appraisals each year?	19:12:32
5	A Approximately an hour per individual that	19:12:33
6	I was required to make an appraisal on.	19:12:34
7	Q How many individuals did you have that	19:12:36
8	you did performance appraisals for?	19:12:38
9	A In my last station, it was approximately	19:12:39
10	six. Five or six.	19:12:42
11	Q So would that be five to six hours in a	19:12:43
12	year? Does that seem fair?	19:12:46
13	A Yes.	19:12:48
14	Q Did you have lieutenants at your	19:12:48
15	stations?	19:12:50
16	A Yes, I did.	19:12:50
17	Q Did the lieutenants do performance	19:12:51
18	appraisals?	19:12:53
19	A Yes, he did.	19:12:54
20	Q Who did the lieutenant evaluate the	19:12:55
21	performance of?	19:12:58
22	A I did his evaluation.	19:12:58

3160
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

108

1	Q	Okay. And whose evaluations did he do?	19:13:01
2	A	He did the other -- he did -- we split up	19:13:03
3		the shift. He did mainly the squad crew that was	19:13:06
4		under him, and I did the engine crew and the medic	19:13:12
5		crew.	19:13:15
6	Q	And when he did his performance	19:13:15
7		evaluations, did he sign as the -- as their	19:13:21
8		supervisor?	19:13:22
9	A	Yes, he did.	19:13:22
10	Q	Did you engage in physical fitness in	19:13:23
11		your time as a Captain I?	19:13:30
12	A	Yes.	19:13:31
13	Q	How much time did you spend engaged in	19:13:31
14		physical fitness each shift?	19:13:35
15	A	The department would allow us two hours a	19:13:36
16		day, and we always tried to get our two hours a day	19:13:38
17		in unless we were interrupted by calls or training	19:13:41
18		or whatever.	19:13:43
19	Q	And if you could, could you look at	19:13:43
20		Defendant's Exhibit 306 for me, from that pile you	19:13:47
21		were given?	19:13:50
22	A	(Witness complies.) Okay.	19:13:52

3161
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

110

1 at the section, Section B, that says: "Don't 19:15:06
2 complete this section if the employee does not 19:15:06
3 supervise others," and you -- we observed that that 19:15:06
4 section is completed for you. Correct? 19:15:11
5 A Correct. 19:15:12
6 Q When you filled out performance 19:15:13
7 evaluations for lieutenants, did you fill out this 19:15:15
8 section? 19:15:17
9 A Yes, I did. 19:15:17
10 Q Okay. Putting aside that document for 19:15:19
11 the moment. I'm done with that one. 19:15:37
12 During your regular day-to-day shift as a 19:15:37
13 Captain I, did you do trainings? 19:15:40
14 A Yes. 19:15:42
15 Q What kinds of trainings would you do at 19:15:43
16 the station during your shift? 19:15:45
17 A What kinds would I perform or... 19:15:46
18 Q What kinds were generally performed? 19:15:47
19 A We had training for hose operations, 19:15:50
20 ladder operations, ventilation, search and rescue. 19:15:53
21 We did also a lot of medical protocols, updates, 19:15:57
22 familiarizing ourself with medical equipment if it 19:16:05

3162
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

111

1 was new, it had come out; or to engage in using a 19:16:08
2 tool that we hadn't used in a long time, to become 19:16:13
3 more familiar with it. 19:16:16

4 Also, being in the tech rescue house, we 19:16:18
5 engaged in a lot of technical rescue training, 19:16:22
6 high-angle rope rescues, trench rescue, swift-water 19:16:27
7 rescue, confined-space rescue. We did training 19:16:33
8 with boats. 19:16:39

9 We had -- we had to be qualified as 19:16:41
10 actual swimmers in the TROT program. You actually 19:16:43
11 had to pass a test for swimming in order to be on 19:16:45
12 the TROT program. That was some of the -- 19:16:49

13 We had EMT refreshers throughout the year 19:16:51
14 or throughout the period of our cards expiring or 19:16:55
15 not. Stuff like that. 19:16:59

16 Online training, which would be on the 19:17:02
17 computers. 19:17:04

18 We're also required -- like with boat 19:17:05
19 operations, you had to pass a state-certified 19:17:09
20 boating operator's course in addition to getting 19:17:12
21 the physical boat training that you needed to have 19:17:15
22 to go online. 19:17:18

3163
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

112

1 Had the tech -- or hazardous materials 19:17:19
2 recertification training every year. CPR training. 19:17:27
3 One of the newest trainings that we had was mass 19:17:32
4 shooter drills, if you had an incident where there 19:17:37
5 was a gunman in -- we'll say a mall or something, 19:17:40
6 where you had training, and how we would interact 19:17:44
7 interagency wide with the police department in 19:17:48
8 order to do our job. 19:17:51
9 Q Did you use or expect to use the skills 19:17:52
10 from those trainings when you responded to calls? 19:17:54
11 A Yes. 19:17:57
12 Q And you mentioned earlier that sometimes 19:17:57
13 other people would come in to lead trainings. Is 19:18:00
14 that right? 19:18:03
15 A Uh-huh. Yes. 19:18:03
16 Q Did you ever lead the trainings? 19:18:05
17 A Yes, I did. 19:18:07
18 Q Did your lieutenants ever lead the 19:18:08
19 trainings? 19:18:10
20 A Yes, he did. 19:18:10
21 Q Did firefighters or other nonofficers at 19:18:12
22 your station ever lead the trainings? 19:18:16

3164
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

113

1 A Yes. 19:18:18

2 Q As a Captain I, can you -- oh, sorry. 19:18:19

3 Backtracking just one second. 19:18:20

4 About how much time each shift did you 19:18:22

5 expect to spend doing those trainings? 19:18:25

6 A In my particular station, if you 19:18:28

7 incorporated all the trainings that we were 19:18:32

8 required to have in addition to the trainings that 19:18:35

9 we ourselves would impose upon ourselves, such as 19:18:37

10 street drills, doing our own search-and-rescue 19:18:41

11 drills above and beyond what the department was 19:18:46

12 calling for, in my particular station, I would say 19:18:48

13 it averaged out to four or five hours a day. 19:18:51

14 For some of our TROT drills, we would be 19:18:54

15 gone all day, from 7:00 in the morning to about 19:18:56

16 4:00 or 5:00 at night. And that was twice a month. 19:18:59

17 Q You say there were some drills that you 19:19:02

18 imposed upon yourself, like street drills. 19:19:05

19 A Uh-huh. 19:19:07

20 Q Can you tell me what street drills are? 19:19:08

21 A Street drills are becoming familiar with 19:19:10

22 the area, your first-due area, which is the 19:19:12

115

1	be slower than our response with the vehicle was.	19:20:04
2	Not that we were speeding, but that the system	19:20:08
3	itself was slower. And you would have to know	19:20:12
4	where to make your turn before the computer would	19:20:13
5	tell you.	19:20:16
6	Q Is it important to get to -- this is	19:20:17
7	going to seem like a silly question. I'm going to	19:20:18
8	ask it anyway. I'm sorry.	19:20:21
9	Is it important to get to an emergency	19:20:23
10	response call quickly?	19:20:25
11	A Yes. It's very important.	19:20:26
12	Q Can you issue discipline without sending	19:20:28
13	it up the chain of command for approval?	19:20:30
14	A No.	19:20:31
15	Q Since January 2011, how much time have	19:20:32
16	you spent reporting violation of -- violations of	19:20:37
17	rules up the chain of command?	19:20:39
18	A Since January '11? Two hours tops, if	19:20:40
19	that.	19:20:49
20	Q Okay. What is your most important job	19:20:49
21	duty?	19:20:53
22	A First important -- most important is	19:20:53

117

1 company most of the time. Once in a while I would 19:22:03
2 be on the squad company. So depending what unit I 19:22:05
3 was on would dictate what my priorities were as far 19:22:07
4 as either, you know, engaging in suppression 19:22:11
5 operations first or search and rescue. 19:22:13

6 Q Is that procedure the same for an 19:22:15
7 emergency medical call? 19:22:20

8 A It's similar, yeah. When we get to an 19:22:21
9 emergency medical call, based on the type of call, 19:22:29
10 we would find out what it was, what actions we 19:22:32
11 would have to take, and what -- actions we would 19:22:34
12 have to take to mitigate the situation. As far as 19:22:42
13 getting in and doing hands-on, yeah, I got involved 19:22:44
14 in that. 19:22:47

15 With today's society getting as big as 19:22:52
16 they are, a lot of it has to do with manually 19:22:55
17 lifting patients. I've gotten engaged in a lot of 19:22:58
18 that. Pulling patients out of the rooms that 19:23:01
19 you've got to get them out in the hallway to work 19:23:03
20 on them. I've been engaged in that. CPR, I've 19:23:07
21 been engaged in that, yes. 19:23:10

22 Q And just a moment ago you mentioned that 19:23:12

3167
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

118

1 your battalion chief operated a little different 19:23:15
2 than Fairfax County protocol as far as the engine 19:23:18
3 that he wanted you to delegate command to. 19:23:22
4 Am I remembering that right? 19:23:26
5 A Uh-huh. Yeah. Passing command, yes. 19:23:27
6 Q If you -- could you take a look at 19:23:29
7 Defendant's Exhibit 307 for me? 19:23:30
8 A Okay. 19:23:31
9 Q In the one, two, three, four, fifth 19:23:32
10 paragraph down, it talks about how transfer of 19:23:35
11 command is typically delegated and how 19:23:39
12 Mr. Harrington, who wrote this e-mail that we're 19:23:43
13 looking at, had some opinions about that. 19:23:44
14 Does that paragraph reflect his differing 19:23:47
15 views on transferring command? 19:23:51
16 A Yes, I believe it does. Yes. Uh-huh. 19:23:53
17 Q Okay. And he says that: "Transfer of 19:23:55
18 command is typically delegated to the second engine 19:23:59
19 company. I usually delegate command to the 19:24:01
20 third-due engine company." 19:24:05
21 Is that accurate? 19:24:06
22 A Yes. 19:24:07

3168
VIDEOTAPED DEPOSITION OF DONALD PATRICK MONTAGUE
CONDUCTED ON TUESDAY, JUNE 3, 2014

122

1	Q	In the last three years, has Battalion	19:27:06
2		Chief Harrington always been your battalion chief?	19:27:13
3	A	I believe so, yes. Uh-huh.	19:27:14
4	Q	As a Captain I, what apparatus were you	19:27:16
5		generally assigned to?	19:27:26
6	A	Normally engine company.	19:27:26
7	Q	And does that apparatus ever respond to a	19:27:28
8		call without you on it on a shift that you're	19:27:33
9		working?	19:27:35
10	A	No.	19:27:35
11	Q	Do you go on the same number of calls as	19:27:36
12		your subordinates that are assigned to that	19:27:39
13		apparatus?	19:27:41
14	A	Yes.	19:27:41
15	Q	And if you are dispatched on a call and	19:27:41
16		the tone rings, do you go?	19:27:45
17	A	Yes.	19:27:47
18	Q	Is that true no matter whether you are	19:27:48
19		doing training, fitness, performance appraisals,	19:27:51
20		discipline?	19:27:54
21	A	Yes, that's correct.	19:27:54
22	Q	Is there anything that will -- strike	19:27:55

1

1

UNITED STATES DISTRICT COURT

2

FOR THE EASTERN DISTRICT OF VIRGINIA

3

(Alexandria Division)

4

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5

GERARD MORRISON, et al., :

6

Plaintiffs, : Civ. Action No.

7

v. : 1:14cv5 (CMH/JFA)

8

COUNTY OF FAIRFAX, VA., :

9

Defendant. :

10

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11

12

CONTAINS CONFIDENTIAL -

13

SUBJECT TO PROTECTIVE ORDER PORTIONS

14

Videotaped Deposition of

15

GERARD JOSEPH MORRISON

16

McLean, Virginia

17

Thursday, June 5, 2014

18

8:35 a.m.

19

20

Job No.: 59006

21

Pages: 1 - 152

22

Reported By: Rebecca Stonestreet, RPR, CRR

26

1 Pentagon and from the destruction of the plane. 08:50:17

2 Q Any awards or commendations as a result 08:50:20

3 of that? 08:50:22

4 A Yes. 08:50:22

5 Q What? 08:50:23

6 A It was a team -- unit team award for the 08:50:24

7 USAR. 08:50:28

8 Q And USAR is unit search and rescue? 08:50:28

9 A Unit -- well, I guess that one would have 08:50:33

10 been VATF 1, Virginia Task Force 1. 08:50:34

11 And I've received -- for every mission 08:50:37

12 that I've been on, which is probably about 10 08:50:39

13 missions - Turkey twice, Taiwan once - those 08:50:41

14 missions where I also received awards, but they 08:50:47

15 were team awards. 08:50:50

16 Q What else can you remember in the -- in 08:50:53

17 the -- in the category of awards or commendations? 08:50:56

18 A That's about it. 08:50:58

19 Q Have you suffered any on-the-job 08:51:00

20 injuries? 08:51:04

21 A Yes, sir. 08:51:04

22 Q Tell me about those, please. 08:51:05

27

1 A Minor injuries here and there. Over 08:51:07
2 33 years, you're going to get -- you're going to 08:51:14
3 get injuries. 08:51:16

4 Q Have you -- have you suffered any 08:51:19
5 injuries that have caused you to miss work? 08:51:21

6 A Yes. One was a hernia that I had, and it 08:51:22
7 was during my work performance evaluation, 08:51:28
8 stretching hose. You have to do a hose advance 08:51:32
9 line. You have to drag a dummy 25 yards. After 08:51:35
10 that, I felt discomfort, ended up having a hernia 08:51:39
11 surgery. 08:51:43

12 Q When was that? 08:51:43

13 A That was two years ago. 08:51:44

14 Q March? 08:51:46

15 A March of 2012. 08:51:49

16 Q '12. 08:51:51

17 Any other on the job -- 08:51:53

18 A The only other significant one, I was 08:51:55
19 injured on 66. I had a car slam into me. 08:51:57

20 Q When was that? 08:52:00

21 A That was before -- that was 2004 or '5, 08:52:01
22 either the winter of 2004 or the winter of 2005. 08:52:07

28

1 It was somewhere close to that. 08:52:14

2 Q Any other on-the-job injuries? 08:52:15

3 A Nothing significant besides... 08:52:17

4 MS. DEMARK: Morning. 08:52:33

5 MR. POWELL: Ma'am, we need you to 08:52:33

6 identify yourself for purposes -- 08:52:35

7 MS. DEMARK: Yolanda Demark. Good 08:52:37

8 morning. 08:52:37

9 MR. POWELL: And will you spell your last 08:52:37

10 name for the benefit of the court reporter? 08:52:44

11 MS. DEMARK: Yes. D-E-M-A-R-K. Fairfax 08:52:44

12 County firefighter. 08:52:46

13 MR. POWELL: Counsel, is this young lady 08:52:50

14 a plaintiff? 08:52:52

15 MS. DEMARK: Yes. 08:52:53

16 MS. FAULMAN: Yes, she is. 08:52:53

17 MR. POWELL: Good morning. 08:52:56

18 MS. DEMARK: Good morning. 08:52:58

19 Q Captain, have you -- since becoming a 08:52:58

20 Captain I in 2010, have you ever sought promotion 08:53:03

21 to the Captain II position? 08:53:07

22 A I received all the classes to take the 08:53:09

35

1 Q So you and your people have to be ready 08:59:23

2 to respond to an emergency -- 08:59:25

3 A Yes, sir. 08:59:26

4 Q -- every day -- 08:59:26

5 A Yes, sir. 08:59:27

6 Q -- whether it's a fire or a medical 08:59:27

7 emergency or an automobile accident or a terrorist 08:59:29

8 attack. 08:59:35

9 A Yes, sir. 08:59:35

10 Q You've got to be ready all the time. 08:59:36

11 Right? 08:59:37

12 A Yes, sir. 08:59:37

13 Q And in order to achieve that level of 08:59:38

14 operational readiness, you have to engage in -- 08:59:42

15 there are a number of aspects of that, are there 08:59:47

16 not? 08:59:50

17 A Yes, sir. 08:59:50

18 Q For example, physical fitness. 08:59:51

19 A Yes. 08:59:54

20 Q The job you have is very demanding 08:59:54

21 physically. Correct? 08:59:57

22 A Yes. 08:59:58

52

1 call, because he was out on a call.

09:14:02

2 Q And this was someone who was on your --
3 on your B-shift command?

09:14:04

09:14:06

4 A Yes, sir.

09:14:07

5 Q And did you administer that discipline?

09:14:07

6 A I administered it against my will.

09:14:10

7 Q Why do you say "against your will"?

09:14:12

8 A I don't believe the person should have
9 gotten discipline for that.

09:14:14

09:14:16

10 Q And why do you say that?

09:14:18

11 A It was a court snafu. He -- his wife
12 paid the parking ticket in Alexandria by credit
13 card. It was delayed. He received his license;
14 but according to the jurisdiction in Alexandria,
15 they sent the paperwork to DMV. The judge gave him
16 back his license; DMV still had it as restricted.
17 Therefore, he had no knowledge and he had a receipt
18 of his Visa credit card paying for this on time.

09:14:19

09:14:23

09:14:26

09:14:28

09:14:32

09:14:35

09:14:39

09:14:41

19 It was -- it was like a two-day -- two

09:14:46

20 days after the court date. So it was a snafu from
21 the court that his license was suspended. I was

09:14:49

09:14:52

22 adamantly against giving discipline to this person

09:14:55

53

1 at that time.

09:14:58

2 Q And did you --

09:14:59

3 A Because he was up for a promotion and
4 this caused his promotion to be withheld for a
5 period of time, which was devastating.

09:14:59

09:15:02

09:15:04

6 Q What was he up for promotion to?

09:15:06

7 A To lieutenant.

09:15:09

8 Q How long was his promotion delayed, in
9 your judgment, because of this?

09:15:09

09:15:12

10 A Probably -- at least a month, if not two.
11 But that domino affected him not being able to take
12 a captain's test.

09:15:13

09:15:19

09:15:24

13 Q Did you share those concerns --

09:15:24

14 A Absolutely.

09:15:27

15 Q So before issuance of the oral reprimand,
16 you had a conversation with your battalion chief
17 about whether that was the right outcome?

09:15:28

09:15:31

09:15:33

18 A Yes, sir.

09:15:34

19 Q And you -- he had one view and you had
20 another?

09:15:35

09:15:38

21 A Yes, sir.

09:15:38

22 Q Do you remember any of the other

09:15:39

87

1	Q	And then let's -- but let's talk about	10:00:14
2		evaluations by you of your lieutenants. Those were	10:00:18
3		evaluations that you would in the -- in the first	10:00:22
4		instance, you would fill out the form. Correct?	10:00:25
5	A	Yes, sir.	10:00:27
6	Q	And you would then have it reviewed by	10:00:27
7		the battalion chief above you?	10:00:30
8	A	The ones that I filled out.	10:00:32
9	Q	Right.	10:00:33
10	A	Yes, sir.	10:00:33
11	Q	And then the battalion chief would sign	10:00:34
12		off on it, and you would then sit down with the	10:00:37
13		lieutenant and deliver the evaluation?	10:00:40
14	A	Yes. There has been times where I have	10:00:41
15		had to change my ER from directive of a battalion	10:00:47
16		chief.	10:00:51
17	Q	So as -- if you -- if you were -- again,	10:00:51
18		without reference to anyone, specifically, if you	10:00:56
19		filled out an evaluation of a lieutenant and you	10:00:59
20		passed it up the chain of command of your battalion	10:01:01
21		chief and the battalion chief wanted you to make	10:01:04
22		changes, you would make those changes?	10:01:07

88

1	A	Yes, sir.	10:01:08
2	Q	And then -- and then sit down and have	10:01:09
3		the evaluation?	10:01:11
4	A	Yes, sir.	10:01:11
5	Q	So let's take a look at Defendant's	10:01:11
6		Exhibit 389.	10:01:29
7		Again, Captain, we're not going to -- not	10:01:29
8		going to use names, but this is an evaluation,	10:01:33
9		isn't it, of one of your lieutenants during the	10:01:35
10		time you were -- let's see. Had you -- had you --	10:01:39
11		the time period covers both of your assignments,	10:01:46
12		doesn't it?	10:01:49
13	A	Yes.	10:01:49
14	Q	So the beginning of the time period	10:01:50
15		November of 2012, you were still at Merrifield.	10:01:54
16		Right?	10:01:56
17	A	Yes.	10:01:57
18	Q	But by November 29th of 2013, you were at	10:01:57
19		Wolf Trap?	10:02:00
20	A	Yes.	10:02:01
21	Q	Did this lieutenant transfer with you?	10:02:01
22	A	This lieutenant was promoted in place.	10:02:04

120

1	Q	Yeah. We'll --	10:41:13
2	A	Okay.	10:41:13
3	Q	What would happen if a call came in while	10:41:14
4		you were working on a snow and ice plan?	10:41:20
5	A	We would respond to the call.	10:41:23
6	Q	And what would happen if a call came in	10:41:24
7		when you were writing an e-mail and -- writing one	10:41:27
8		of these e-mails?	10:41:31
9	A	We would respond to the call.	10:41:32
10	Q	Okay. So would you -- you would	10:41:33
11		interrupt what you were doing?	10:41:34
12	A	Yes.	10:41:35
13	Q	Let's look at Exhibit 398, which, if you	10:41:35
14		look at the bottom, there are stickers.	10:41:44
15	A	Yes, okay.	10:41:46
16	Q	So if you look at the one that has 398.	10:41:46
17	A	Okay.	10:41:49
18	Q	What would have happened if a call came	10:41:52
19		in when you were writing this e-mail to Chief	10:41:54
20		Kendrick?	10:41:59
21	A	I would have responded to the call.	10:41:59
22	Q	Would you have finished writing the	10:42:02

121

1	e-mail first?	10:42:04
2	A No.	10:42:04
3	Q If you can look at Document 396.	10:42:05
4	A Yes.	10:42:11
5	Q And you were working on B-shift?	10:42:13
6	A Yes.	10:42:18
7	Q Correct?	10:42:18
8	A Yes.	10:42:19
9	Q Okay. And what would you have done if a	10:42:19
10	call came in when you were ordering shop supplies?	10:42:26
11	A Respond to the call.	10:42:29
12	Q And what would you have done if an alarm	10:42:30
13	went off while you were reviewing this e-mail?	10:42:33
14	A Respond to the call.	10:42:36
15	Q Let's look at Document Number 395.	10:42:36
16	A (Witness complies.)	10:42:47
17	Q Did you physically assist with this call?	10:42:48
18	A Yes, I did.	10:42:50
19	Q And were you working your regular shift	10:42:51
20	that day?	10:42:53
21	A I was either on exchange shift or	10:42:53
22	overtime working for Captain Lange.	10:42:56

122

1	Q	And you were reporting this to a	10:42:59
2		battalion A-shift. Correct?	10:43:01
3	A	Yes.	10:43:02
4	Q	So that's outside of your normal shift.	10:43:03
5	A	Yes.	10:43:05
6	Q	Okay. While you were drafting this memo,	10:43:06
7		what would you have done if an alarm came through?	10:43:10
8	A	Respond to the call.	10:43:12
9	Q	If you can look at Exhibit 392.	10:43:13
10	A	(Witness complies.)	10:43:25
11	Q	And if you can look at the first page of	10:43:27
12		the attachment --	10:43:33
13	A	Uh-huh.	10:43:34
14	Q	-- that says "monthly training report" at	10:43:35
15		the top, it looks like -- according to this, how	10:43:37
16		many of the trainings did you lead that month,	10:43:43
17		which is December 2013?	10:43:49
18	A	Three.	10:43:50
19	Q	And who were the other individuals on	10:43:53
20		that list?	10:43:55
21	A	Personnel on my shift, on B-shift.	10:43:56
22	Q	And so if their name is listed -- if a	10:44:00

123

1 name other than Morrison was listed, does that mean 10:44:03

2 that they led that training? 10:44:05

3 A Pretty much, yes. 10:44:06

4 Q And what would happen if a call came in 10:44:07

5 when you were engaged in the training that's on 10:44:10

6 here? 10:44:13

7 A Respond to the call. 10:44:13

8 Q And it says -- was this mandatory 10:44:14

9 training? I'm just trying to understand the 10:44:17

10 report. 10:44:22

11 A I believe some of it might have been 10:44:23

12 mandatory and some of it wasn't. Some of it was 10:44:25

13 just what we do. Every day we work, we always 10:44:28

14 drill on something. 10:44:31

15 I think the mandatory might have been -- 10:44:32

16 a walk-through is a mandatory that the chief wants 10:44:39

17 us to do, and I think there was another -- the 10:44:41

18 Metro drill, I think, was mandatory. 10:44:45

19 Q And on those trainings where you were not 10:44:48

20 leading the training, what did you do in that 10:44:52

21 training session? 10:44:54

22 A Most of the time, I try to get dirty. 10:44:55

124

1	Q	So in other words, that means --	10:44:57
2	A	Participate in a drill.	10:44:59
3	Q	And how much time did you say, or if you	10:45:00
4		did say, you spend doing training each shift?	10:45:06
5	A	Around two to four hours average -- on an	10:45:09
6		average.	10:45:13
7	Q	And does it -- is there a difference, if	10:45:13
8		it's mandatory or nonmandatory training, whether or	10:45:15
9		not you have to interrupt that if a call comes	10:45:18
10		through?	10:45:21
11	A	No. We respond to the call.	10:45:21
12	Q	If you can look at Document 391.	10:45:23
13	A	Yes.	10:45:31
14	Q	And this is the e-mail about end of the	10:45:31
15		month reminders. Correct?	10:45:36
16	A	Yes. Uh-huh.	10:45:38
17	Q	And let's look at the first thing,	10:45:38
18		battalion training record. If you were updating a	10:45:41
19		battalion training record, what would you do if an	10:45:45
20		alarm came through?	10:45:48
21	A	Respond to the call.	10:45:49
22	Q	And what about the FRA training report?	10:45:50

125

1	What would you do if a call came through?	10:45:53
2	A Respond to the call.	10:45:55
3	Q Is that required by the fire department?	10:45:56
4	A The training report?	10:45:58
5	Q No, no, to respond. To interrupt these	10:45:58
6	activities to respond to a call.	10:46:01
7	A Yes.	10:46:02
8	Q And let's take a look at some of the	10:46:02
9	names in the "to" line.	10:46:09
10	A Uh-huh.	10:46:10
11	Q Are those all captains?	10:46:11
12	A No. Quite a few lieutenants.	10:46:13
13	Q Okay.	10:46:18
14	A Probably more lieutenants than there are	10:46:19
15	captains.	10:46:21
16	Q Okay.	10:46:22
17	A In fact, there's only one, two, three,	10:46:24
18	four, five captains and six -- eight lieutenants.	10:46:30
19	Q Okay. Thank you.	10:46:39
20	What are FireRMS DIRTS?	10:46:42
21	A That's after you come back from a call,	10:46:48
22	you have to do a report stating what you did on	10:46:50

126

1 that call.

10:46:52

2 Q And who does those reports?

10:46:53

3 A I am responsible for doing them.

10:46:56

4 Q Who actually completes them?

10:46:57

5 A It all depends. But most of the time I
6 can do it or delegate it.

10:46:59

10:47:03

7 Q And if you -- if you or somebody you
8 delegated was completing that report and an alarm
9 came through, what would you do?

10:47:05

10:47:08

10:47:11

10 A Respond to the call.

10:47:12

11 Q Would you stop completing the report?

10:47:13

12 A Yes.

10:47:16

13 Q And the electronic personal care reports,
14 that's ePCR. Correct?

10:47:16

10:47:20

15 A Yes.

10:47:22

16 Q And what is a reconciliation/review?

10:47:23

17 A I'm not sure.

10:47:25

18 Q Okay. If you were doing something with
19 ePCR's, would you stop doing that work, if a call
20 came through, to respond?

10:47:26

10:47:29

10:47:33

21 A Yes.

10:47:34

22 Q And shift gear inspection -- and what is

10:47:34

CONFIDENTIAL VIDEOTAPED DEPOSITION OF GERARD JOSEPH MORRISON
CONDUCTED ON THURSDAY, JUNE 5, 2014

127

1	shift gear inspection?	10:47:40
2	A Once a month we inspect everybody's gear,	10:47:41
3	make sure it's -- there's no holes; it's ready for	10:47:46
4	service.	10:47:50
5	Q And who does that inspection?	10:47:50
6	A The shift -- the shift leader.	10:47:51
7	Q Okay. And do they do that inspection	10:47:56
8	alone, or is that done with anyone else?	10:47:59
9	A It's a group effort.	10:48:02
10	Q And so who is part of the group that's	10:48:02
11	doing the inspection?	10:48:04
12	A The whole shift.	10:48:05
13	Q Including firefighters?	10:48:07
14	A Firefighters, lieutenant, captains.	10:48:08
15	Q Okay. And if you are doing such an	10:48:11
16	inspection and a call comes through, what do you	10:48:14
17	do?	10:48:16
18	A Respond to the call.	10:48:16
19	Q Okay. And if you can take a look at	10:48:17
20	Exhibit 390, Defendant's Exhibit 390.	10:48:24
21	A (Witness complies.)	10:48:27
22	Q If you receive an e-mail like this and a	10:48:28

128

1 call comes through, what do you do? 10:48:30

2 A We have to respond to the call. 10:48:32

3 Q And now we looked at a number of 10:48:34

4 performance evaluations, and we don't have to look 10:48:38

5 at them all again. But if you are filling out a 10:48:41

6 performance evaluation and an alarm goes off in the 10:48:44

7 station, do you finish the performance evaluation 10:48:48

8 or do you respond to the call? 10:48:50

9 A We respond to the call. 10:48:51

10 Q And what if you're sitting down 10:48:52

11 discussing the performance evaluation with the 10:48:56

12 lieutenant? What would you do if a call came 10:48:58

13 through? 10:49:00

14 A We respond to the call. 10:49:01

15 Q Is there an -- as a Captain I, do you 10:49:02

16 have the authority to assign overtime to an 10:49:13

17 off-duty firefighter? 10:49:16

18 A No. 10:49:16

19 Q Do you have the authority as a Captain I 10:49:17

20 to approve leave? 10:49:20

21 A No. 10:49:21

22 Q Do you set minimum staffing levels? 10:49:21

129

1	A	No.	10:49:24
2	Q	And going back to the performance	10:49:24
3		evaluations - and you may have testified to this	10:49:29
4		earlier, I just don't recall at the moment - who --	10:49:31
5		do lieutenants perform performance evaluations as	10:49:35
6		well?	10:49:37
7	A	Absolutely.	10:49:37
8	Q	And who do they evaluate?	10:49:38
9	A	Firefighters, drivers, master	10:49:39
10		technicians.	10:49:42
11	Q	Do you do any budget requests as a	10:49:42
12		Captain I?	10:49:45
13	A	No.	10:49:46
14	Q	Do you update station policies as a	10:49:46
15		Captain I?	10:49:54
16	A	No.	10:49:55
17	Q	How much time -- and, again, if you said	10:49:55
18		this earlier, just let me know. But how much time	10:50:03
19		do you spend doing physical fitness each shift?	10:50:05
20	A	Two hours a day.	10:50:07
21	Q	And in talking about -- you were asked	10:50:08
22		about informal evaluations that would occur on a	10:50:25

CONFIDENTIAL VIDEOTAPED DEPOSITION OF GERARD JOSEPH MORRISON
CONDUCTED ON THURSDAY, JUNE 5, 2014

132

1	A	Absolutely. Absolutely.	10:52:20
2	Q	Does the fire department inspect --	10:52:21
3		expect other individuals to do that?	10:52:23
4	A	In our manuals, there's a whole chapter	10:52:24
5		on the informal leader of a group.	10:52:29
6	Q	And --	10:52:29
7	A	It's group dynamics. It comes with the	10:52:32
8		basic instructor and...	10:52:36
9	Q	So if a lieutenant is on an apparatus and	10:52:37
10		has two individuals assigned to them --	10:52:40
11	A	Yes.	10:52:41
12	Q	-- would you expect that lieutenant to --	10:52:42
13	A	Absolutely.	10:52:43
14	Q	Okay. What do you do on a fire scene as	10:53:03
15		a Captain I? And, actually, let me back up.	10:53:05
16		Are you assigned to a specific apparatus	10:53:10
17		as a Captain I?	10:53:11
18	A	Now, yes. In Wolf Trap I am.	10:53:12
19	Q	Okay. What are you assigned to?	10:53:15
20	A	An engine company.	10:53:17
21	Q	What engine is that?	10:53:18
22	A	Engine 42.	10:53:19

133

1 Q And does Engine 42 respond to a call on 10:53:20

2 B-shift without you on it? 10:53:26

3 A No. 10:53:27

4 Q Do you -- you go on the same number of 10:53:27

5 calls as the rest of the crew assigned to 10:53:32

6 Engine 42? 10:53:35

7 A Yes. 10:53:35

8 Q And what do you do on an -- let's take a 10:53:36

9 fire call, for an example. What are your 10:53:40

10 responsibilities on that fire scene? 10:53:47

11 A Put the fire out. 10:53:48

12 Q And what do you do to do that? Seems 10:53:49

13 like... 10:53:51

14 A Pull line -- it's so dynamic, but you 10:53:52

15 take the water off the fire truck and the line, 10:53:56

16 hose line, go inside, and put the fire out. 10:53:59

17 Q And do you engage in hands-on 10:54:01

18 firefighting? 10:54:05

19 A Absolutely. 10:54:05

20 Q And what kinds of hands-on firefighting 10:54:06

21 tasks do you engage in? 10:54:08

22 A From anything to breaking stuff to 10:54:10

CONFIDENTIAL VIDEOTAPED DEPOSITION OF GERARD JOSEPH MORRISON
CONDUCTED ON THURSDAY, JUNE 5, 2014

134

1 pulling hose to -- whatever needs to be done. We 10:54:12

2 have limited personnel; we have to get things done. 10:54:14

3 And I could not go to the homeowner and 10:54:18

4 say, "Somebody perished" or "This didn't get done" 10:54:20

5 or "This didn't get done," because I didn't want to 10:54:23

6 get dirty. 10:54:25

7 Q And are you expected to, quote/unquote, 10:54:26

8 "get dirty"? 10:54:29

9 A Absolutely. 10:54:30

10 Q And what about on an -- do you go to 10:54:30

11 emergency calls -- 10:54:36

12 A Yes. 10:54:37

13 Q -- on an engine? 10:54:37

14 And what do you do on an emergency call? 10:54:38

15 A Provide emergency care to sick, injured 10:54:41

16 patients. 10:54:43

17 Q Do you have a fire department credit 10:54:44

18 card? 10:54:48

19 A No. 10:54:48

20 Q Checkbook? 10:54:48

21 A No. 10:54:49

22 Q So do you have any purchasing authority? 10:54:50

135

1 A No. 10:54:52

2 Q Now, you testified about two instances 10:54:52

3 where a battalion chief ordered you to impose 10:55:04

4 discipline. 10:55:06

5 A Yes. 10:55:06

6 Q And can you -- but you've never otherwise 10:55:07

7 as a captain written a disciplinary action for an 10:55:13

8 individual? 10:55:17

9 A Since 2010, no. 10:55:18

10 Q Okay. Do you know if you are allowed to 10:55:21

11 issue discipline without sending it up the chain of 10:55:23

12 command? 10:55:25

13 A I've got written orders that I will not 10:55:25

14 discipline anybody unless it goes through the 10:55:27

15 battalion chief. 10:55:29

16 Q And you said that's in writing? 10:55:30

17 A Yes, it is. 10:55:31

18 Q And who did that come from? 10:55:32

19 A Numerous. Chief Chuck Ryan when he was 10:55:33

20 my battalion chief; Chief Brian Kendrick; 10:55:37

21 Chief Bunch. All battalion directives. 10:55:41

22 Q And did you receive a battalion chief 10:55:44

136

1	manual?	10:55:47
2	A Yes.	10:55:47
3	Q And was that from Chief Ryan?	10:55:47
4	A Could have been Chief Ryan,	10:55:51
5	Chief Kendrick. One of the chiefs.	10:55:53
6	Q And did you follow the advice in that	10:55:55
7	manual?	10:55:57
8	A Absolutely.	10:55:58
9	Q How much time since January 2011 have you	10:55:58
10	spent reporting violations up the chain of command?	10:56:01
11	A Very minute. I've been -- I've been very	10:56:04
12	fortunate. Very minimum.	10:56:07
13	Q Now, have you ever been asked to be -- by	10:56:15
14	the county to be part of a study to determine	10:56:22
15	whether Captain I's are properly paid under the	10:56:25
16	Fair Labor Standards Act?	10:56:28
17	A No.	10:56:29
18	Q So if I could have you look quickly at	10:56:29
19	your interrogatory responses --	10:56:35
20	A Uh-huh.	10:56:37
21	Q -- which is document -- or Exhibit 383.	10:56:37
22	A Okay.	10:56:37

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x
GERARD MORRISON, et al., :
Plaintiffs, : Civil Action No.:
vs. : 1:14cv5
COUNTY OF FAIRFAX, VA., : Judge Hilton
Defendant. : Magistrate Judge
-----x Anderson

30(b)(6) DEPOSITION OF MILLIE MUNDY

McLean, Virginia

Wednesday, May 14, 2014

9:38 a.m.

CONFIDENTIAL MATERIAL REDACTED

Job No.: 248558

Pages: 1 - 180

Reported by: Elizabeth Mingione, RPR

1 Q. Okay. So would you agree that the captains
2 in this lawsuit are all assigned to either an A shift,
3 a B shift, or a C shift?

4 A. Yes.

5 Q. And do you know off the top of your head
6 how many different stations there are in the county?

7 A. I believe there's approximately 40 stations
8 within the county.

9 Q. And if I told you there were 38, would you
10 have any reason to disbelieve me?

11 A. No.

12 Q. Do you know generally how they are staffed
13 with captains, battalion chiefs, firefighters, et
14 cetera?

15 A. Generally.

16 MS. PASCHAL: Objection to form.

17 A. Generally, yes.

18 Q. Okay. How are they staffed?

19 A. They would be staffed by, to my knowledge,
20 to Firefighters I and II; they would have the
21 captains, the battalion chief.

22 Q. Were there -- is it your understanding that

1 A. I know they work 24-hour shifts. And it's
2 my understanding this may be three on, four off, might
3 work like that, but one shift -- yeah.

4 Q. Go ahead.

5 A. Yeah. I'm just saying I don't know --

6 Q. Okay.

7 A. You know it depends on if they are
8 scheduled for A, B or C.

9 Q. Isn't it true that whether they are on A
10 shift, B shift or C shift their regular schedules are
11 going to be 24 hours on, 24 hours offer, 24 hours on,
12 24 hours off, 24 hours on and then 96 hours off?

13 A. Yes.

14 MS. PASCHAL: Objection to form.

15 Q. Go ahead. You can answer.

16 A. Yes.

17 Q. Okay.

18 - - -

19 (A document was marked as 30(b)(6) Exhibit Number 2.)

20 - - -

21 BY MS. ELKIN:

22 Q. Okay. I've just handed you what we've

1 this afternoon is actually from the fire department
2 piece of human resources versus Millie who's county
3 human resources. So some of these questions that
4 witness may be able to know better.

5 Millie is just testifying to what's before
6 her on a copy that's black and white instead of in
7 color. So without the color coding, we can only guess
8 on some of these shadings.

9 MS. ELKIN: Well, I think she said that she
10 knew that that was correct at least the first one we
11 went over, the C shifts?

12 A. Yes.

13 BY MS. ELKIN:

14 Q. Okay. So based on your understanding of
15 the way the schedules work, would you agree that the
16 fire captains work every 28 days; they'll either work
17 a 216 hours, or they are going to work 240 hours in a
18 28-day period?

19 A. Yes.

20 Q. And you would agree that the fire
21 lieutenants would work the same schedule. If they are
22 on A shift, they are going to be working the same

1 whether they are assigned to A shift, B shift, C shift
2 or are they at something else?

3 MS. PASCHAL: Objection, compound.

4 A. If they are 24 hours, they would have the
5 same type shift schedule.

6 Q. But do you know whether they are 24 hours?

7 A. I don't.

8 Q. Okay. But you did know that the fire
9 captains, fire lieutenants and fire fighters are all
10 24 hours?

11 A. Yes.

12 Q. Okay. And your knowledge stops at the
13 battalion chief level about what the schedules are; is
14 that correct?

15 A. That's correct.

16 MS. PASCHAL: Objection to form.

17 Q. Is that correct?

18 A. That's correct.

19 Q. Would you agree that the lieutenants and
20 the firefighters earn time-and-a-half, 1.5 times their
21 regular rate of pay for all hours above 212 hours in a
22 period?

1 A. Yes.

2 Q. And you would agree that for purposes of
3 calculating, when that time and a half starts kicking
4 in, for purposes of calculating the overtime pay, that
5 all leave hours for lieutenants and firefighters are
6 included as hours of work; is that correct?

7 A. Yes.

8 MS. PASCHAL: Objection to form.

9 Q. Yes. Is that right?

10 A. Yes.

11 Q. Okay. Let me show you a document. We'll
12 mark it as 30(b)(6)3.

13 - - -

14 (A document was marked as 30(B)(6) Exhibit Number 3.)

15 - - -

16 BY MS. ELKIN:

17 Q. Have you ever seen this document before?

18 A. Yes.

19 Q. Okay. What is this?

20 A. This is a listing of earnings types. And
21 this particular -- the first page is -- let's see. A
22 list of earnings types for Fairfax County.

1 Q. And it's time and a half their regular rate
2 of pay, correct?

3 A. Correct.

4 Q. For all hours above 212?

5 A. Yes.

6 Q. Okay. You would agree that captains do not
7 receive time and a half overtime pay for hours above
8 212?

9 A. I would agree.

10 Q. All right. So now we are talking about a
11 lieutenant or firefighter in those examples. so the
12 firefighter, he's regularly scheduled for this work
13 period to work 216 hours. He takes two shifts off.

14 A. Okay.

15 Q. So that would be what I -- was I right,
16 168?

17 A. That's correct.

18 Q. Then he picks up a shift. So he works --
19 MS. PASCHAL: Objection to form.

20 Q. -- one overtime shift, even though he's
21 taken two shifts off.

22 A. Okay.

1 Q. So would you agree in that pay period the
2 number of hours he actually worked were 192?

3 A. I would agree.

4 MS. PASCHAL: Objection to form.

5 A. The number of hours that he actually worked
6 would be 192, but the actual hours that are overtime
7 eligible would be 240.

8 Q. Well, 216?

9 A. Well, you said he picked up an additional
10 shift, which is 216 plus 24.

11 Q. Okay. So how was he paid for those 24
12 hours?

13 MS. PASCHAL: Objection to form.

14 Q. Of the extra shift?

15 A. For the extra shift he would be paid time
16 and a half.

17 Q. And how was he paid for 212 hours in that
18 pay period before the extra shift?

19 A. The 212 would be paid at his hourly rate.

20 Q. Okay. But he got paid time and a half for
21 that extra shift?

22 A. Yes.

1 Q. And is that because leave hours are counted
2 as hours of work?

3 A. That's correct.

4 Q. All right. And that is the County's policy
5 to count leave hours as hours of work for purpose of
6 calculating overtime pay every work period for anybody
7 who's entitled to FLSA pay for firefighters?

8 MS. PASCHAL: Objection to form.

9 A. That is the county policy.

10 Q. Okay. And how long has that been the
11 county's policy if you know?

12 A. It has been the county's policy for fire
13 personnel since 2001.

14 Q. And is that the result of the state law,
15 the Virginia state law being passed?

16 MS. PASCHAL: Objection. I'm going to
17 instruct the witness not to answer. We've objected to
18 any topic dealing with the Virginia state law.

19 MS. ELKIN: No. That's -- we'll get the
20 judge on the phone. How can you object to a topic?
21 The only instruction --

22 MS. PASCHAL: It's not relevant to this

1 say base rate with shift differential. Does it say
2 that in Focus?

3 A. It says Fire and Rescue shift. We didn't
4 put the .7275, but they still do receive it.

5 Q. Okay. All right. And is that -- I don't
6 want to go through every single code, but is that how
7 we generally read this? We look at the middle column
8 to see what that code was in PRISM and then the
9 translation is what it is now in Focus; is that right?

10 A. That's correct.

11 Q. Okay. You testified a little bit earlier
12 about captains and how they are paid if they work
13 beyond their regularly scheduled shift. Is it your
14 understanding that the captains in this case are paid
15 straight-time pay or straight-time comp time for hours
16 beyond their regularly scheduled shifts?

17 MS. PASCHAL: Objection to form.

18 A. Yes.

19 Q. And would you agree that captains receive
20 straight-time pay for all hours above 212 hours in
21 every 28-day period?

22 MS. PASCHAL: Objection to form.

1 A. Yes.

2 Q. All regularly scheduled hours, right?

3 A. Yes. In addition to their regularly
4 scheduled hours.

5 Q. Okay. Well, no, they -- I guess let me
6 back up.

7 Would you agree that the captains receive
8 straight-time pay for all regularly scheduled hours
9 above 212 in a 28-day period?

10 A. For regularly scheduled hours, they receive
11 their hourly rate plus the shift differential.

12 Q. Right.

13 A. Anything in addition to their regularly
14 scheduled hours, they do receive straight pay.

15 Q. Without shift differential, correct?

16 A. That's correct.

17 Q. Or they can receive comp time if it's
18 beyond the regularly scheduled hours; is that right?

19 A. Yes.

20 Q. But that's also going to be hour for hour;
21 is that right?

22 MS. PASCHAL: Objection to form.

1 lieutenant, his annual salary would be \$61,380.80?

2 A. That's correct.

3 Q. And then if -- all the way up to a Step 11
4 lieutenant, his annual salary would be \$99,983.94?

5 A. That's correct.

6 Q. Okay. So then if you turn to the next the
7 page, we know that F25s are captains, correct? At
8 least Captain 1s?

9 A. Correct.

10 Q. So you would agree that Captain 1s who are
11 at the Step 1, 2, 3, 4, 5, all the way up through Step
12 7, actually, Step 8 would earn less than a lieutenant
13 who is at the end of his pay scale?

14 MS. PASCHAL: Objection to form.

15 Q. If I read that correctly?

16 A. Did you say up to Step 8?

17 Q. I said a fire captain who is, yes, an F25
18 up to Step 8. So, in other words, all those ones,
19 Step 1, Step 2, Step 3, et cetera, up through Step 8
20 would have a lower annual biweekly salary than a fire
21 lieutenant who is at the Step 11 level; is that
22 correct?

1 A. That's correct.

2 Q. Okay. And when we are looking at the
3 lieutenants, the F22s annual biweekly hourly pay, does
4 that include their overtime pay, their regular
5 scheduled overtime on this pay chart?

6 A. This is just their regular scheduled hours,
7 their annual salary.

8 Q. Okay. Well, their regular scheduled hours
9 are always going to be 216 or 240, correct, for pay
10 period, for a work period; is that right?

11 A. This does not include any overtime.

12 Q. Okay. For the lieutenants?

13 A. For anyone.

14 Q. For anyone. So a lieutenant,
15 hypothetically, an F22 lieutenant who's just even in
16 the middle of his pay scale, if he's getting overtime
17 pay at time and a half, he could certainly be earning
18 more than the Captain 1 who is a rank above him. Is
19 that correct?

20 MS. PASCHAL: Objection to form and to
21 posing a hypothetical to a lay witness.

22 A. It's possible.

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x

GERARD MORRISON, et al., :
Plaintiffs, : Civ. Action No.
v. : 1:14cv5 (CMH/JFA)
COUNTY OF FAIRFAX, VA., :
Defendant. :

-----x

Videotaped Deposition of
CAPTAIN NATALIE DAWN ROBB
McLean, Virginia
Thursday, June 5, 2014
1:36 p.m.

Job No: 59787
Pages: 1 - 256
Reported by: Kelly Carnegie, CSR, RPR

3207
VIDEOTAPED DEPOSITION OF CAPTAIN NATALIE DAWN ROBB
CONDUCTED ON THURSDAY, JUNE 5, 2014

20

1	Q	Okay. I was going to ask you about that.	13:48:11
2	A	Okay.	13:48:12
3	Q	So what were you submitting this resume --	13:48:12
4	A	It was a Captain II position.	13:48:14
5	Q	Okay.	13:48:17
6	A	Which we're required to do, take an exam,	13:48:18
7		Captain II's test.	13:48:23
8	Q	So this SOP that's cited here requires an	13:48:26
9		application for that exam?	13:48:31
10	A	It requires a resume.	13:48:34
11	Q	It requires a resume?	13:48:36
12	A	Yes, ma'am.	13:48:37
13	Q	Okay. And did you take the promotional	13:48:40
14		exam?	13:48:42
15	A	I did.	13:48:42
16	Q	Is it an exam that you had to take more than	13:48:44
17		once?	13:48:46
18	A	It's -- you take it and it's -- you either	13:48:48
19		make it or you don't. If you make it, you're on a	13:48:51
20		list for two years, and after -- the list expires	13:48:54
21		after two years. You have to take it again if you	13:48:56
22		haven't been promoted.	13:48:59

73

1	A	Correct.	14:52:58
2		MS. BURROUGHS: Objection, asked and	14:52:58
3		answered.	14:52:59
4		BY MS. REWARI:	14:52:59
5	Q	And that the medic unit is properly stocked,	14:52:59
6		right?	14:53:03
7	A	Correct.	14:53:04
8	Q	That the equipment on that unit is working	14:53:05
9		in proper order, right?	14:53:10
10	A	Correct.	14:53:12
11	Q	And the vehicles are working as well, right?	14:53:15
12	A	Correct.	14:53:18
13	Q	Part of being ready to go out on calls also	14:53:23
14		requires training, right?	14:53:26
15	A	Correct.	14:53:28
16	Q	And when you're -- when you're not on a	14:53:28
17		call, how much time would you say you spend per day	14:53:31
18		training?	14:53:34
19	A	Again, we attempt to do it probably an hour	14:53:34
20		and a half, two hours a day. We've got a busy	14:53:37
21		station, so a lot of times that precludes us getting	14:53:40
22		that done.	14:53:43

74

1 Q And some of that training is mandatory by 14:53:44
2 the department, right? 14:53:46

3 A Yes, yes. 14:53:48

4 Q And some of that training is initiated by 14:53:48
5 you, right? 14:53:52

6 MS. BURROUGHS: Objection to form. 14:53:53

7 A Some of it's initiated by me, others 14:53:55
8 initiated by my technician who also happens to be a 14:53:59
9 battalion trainer. Some of it's initiated by my 14:54:04
10 lieutenant. Some of it's initiated by the mere fact 14:54:06
11 that you might have someone on the shift that does not 14:54:09
12 understand how a piece of equipment works that would 14:54:11
13 like additional training on it. It's initiated by 14:54:13
14 everybody as a team. 14:54:16

15 BY MS. REWARI: 14:54:18

16 Q Is there a certain time that's allotted on 14:54:18
17 your daily calendar for training? 14:54:23

18 A My daily calendar is for the most part the 14:54:25
19 master calendar. 14:54:29

20 The master calendar is a calendar we have on 14:54:31
21 our intranet, and a lot of times we're assigned to 14:54:33
22 training. I have no control over that. That training 14:54:37

75

1	gets assigned by the lieutenant who is the deputy's	14:54:41
2	aide. I have no control over a lot of times what is	14:54:45
3	on the master calendar.	14:54:48
4	There's some training in which I have to	14:54:50
5	come up here as a paramedic to Tysons to actually do	14:54:52
6	my certification training, which is required for me in	14:54:55
7	order to keep my certifications. They send us to	14:54:58
8	training once every three, four months to certify in	14:55:01
9	one thing or, you know, just keep up on regular	14:55:03
10	information that -- you know, new stuff and practice	14:55:07
11	on stuff that we don't do that often.	14:55:10
12	So, I mean, again, a lot of the training --	14:55:12
13	the biggest part of the training, besides the stuff we	14:55:15
14	do online, is the master calendar, what we're assigned	14:55:17
15	every day, the master calendar that we have no control	14:55:22
16	over.	14:55:25
17	Then there's the mandatory stuff that we	14:55:26
18	have to do, and quite frequently -- just recently we	14:55:29
19	had something that's mandatory, bloodborne pathogen	14:55:33
20	training, which we're required to do every year. The	14:55:36
21	medic units, we're not allowed to go out of service	14:55:38
22	for that particular training while every other units	14:55:41

76

1 were allowed to go out of service. So we ended up 14:55:43
2 running a bunch of calls and kind of getting the 14:55:46
3 training piecemeal as a result of that. We could not 14:55:48
4 go out of service because the maximum amount of medic 14:55:50
5 units were out of service in a given day. Five is the 14:55:54
6 maximum amount that can be out on a given day, and 14:55:57
7 they won't allow anyone to go out of service, any 14:55:59
8 another medic unit to go out of service. 14:56:02

9 So we get our training however we can get 14:56:04
10 it, including the stuff that's mandatory -- 14:56:06

11 Q But -- 14:56:09

12 A -- what's deemed mandatory by the county. 14:56:09

13 Q If you're at a call and you see that one of 14:56:11
14 your medics on your unit is perhaps not doing 14:56:16
15 something that's up to best practices or there's a 14:56:22
16 better way to do what they're doing, you have the 14:56:26
17 ability to train them back at the station or to tell 14:56:31
18 them, hey, do it this way, right? 14:56:35

19 MS. BURROUGHS: Objection, 14:56:38
20 mischaracterization of prior testimony. 14:56:39

21 BY MS. REWARI: 14:56:42

22 Q That -- you're not going to wait for a 14:56:42

143

1 A Correct, with the technical information that 16:20:42
2 I have, that my knowledge of the job, and her 16:20:44
3 adherence to protocol, policy, procedures, yes. 16:20:47

4 Q Okay. And what was your understanding of 16:20:54
5 what would happen if she didn't meet -- I mean, what 16:20:55
6 happens if you don't meet the PIP? 16:21:01

7 A It's not something that I determine. My 16:21:06
8 battalion chief, the deputy chief at that point 16:21:08
9 determines that. If it were up to me, this employee 16:21:10
10 would not have a job. She wouldn't have a job, 16:21:13
11 period, but it's not up to me. It's something that -- 16:21:17
12 decisions that are made well above my head. 16:21:20

13 Q Right. And these notes include various 16:21:22
14 places where she's making mistakes, right? 16:21:26

15 A Yes, ma'am. 16:21:31

16 Q And they also include various places where 16:21:40
17 you would have to correct her at the scene, right? 16:21:42

18 A Yes, ma'am. 16:21:45

19 Q And is a performance improvement plan part 16:22:00
20 of a -- is it a part of a disciplinary process, or is 16:22:03
21 it part of another process? 16:22:07

22 MS. BURROUGHS: Objection to form. 16:22:10

144

1 A As I understand it, it's one of the last 16:22:12
2 steps. 16:22:15

3 A lot of times these individuals have 16:22:17
4 been -- there's been attempted discipline in the form 16:22:18
5 of oral reprimands, written reprimands, and it gets to 16:22:23
6 a point in which this program is set up to try to be 16:22:27
7 the ultimate end-all be-all corrected behavior, or God 16:22:31
8 only knows what will happen. I've never actually seen 16:22:38
9 it result in termination. I've seen two of them now 16:22:41
10 and I haven't seen any resulting in termination, 16:22:44
11 although if it were up to me, again, for this 16:22:47
12 individual, they would have been terminated. But it's 16:22:51
13 not up to me. 16:22:53

14 BY MS. REWARI: 16:22:55

15 Q Did you make that recommendation to Chief 16:22:55
16 Johnson? 16:22:56

17 A I did not. It wasn't something that was 16:22:57
18 asked of me. I did what I was asked. I gave the 16:23:00
19 information that was requested and that's all I can 16:23:03
20 do. 16:23:06

21 Q Okay. Can a -- does a performance 16:23:08
22 improvement plan, is it part of the ten-week letter 16:23:11

156

1 her, you know, what the deal was, you know, why her 16:34:45
2 gear was not on the unit, and there were several 16:34:48
3 different stories that came out as a result that 16:34:52
4 didn't quite mesh. And again, I gave this information 16:34:57
5 to the battalion chief and he took it from there. 16:35:01

6 Q And would it be fair to say that these two 16:35:04
7 things that we just talked about are not the only two 16:35:06
8 mistakes that she made that are documented in these 16:35:10
9 exhibits that we've looked at? 16:35:13

10 A That would be fair. 16:35:15

11 Q She made a lot of other mistakes, correct? 16:35:15

12 A She did, yes. 16:35:18

13 Q All right. Did you recommend an oral or -- 16:35:27
14 let me rephrase that. Did you recommend discipline 16:35:33
15 for the no gear on the unit? 16:35:36

16 A I -- 16:35:40

17 Q I mean, did you think that was a 16:35:40
18 particularly bad violation? 16:35:42

19 A Yes, yes. All I could do was report it to 16:35:43
20 the chief. I never was in possession of her personnel 16:35:47
21 records, so I don't know what specific -- what other 16:35:49
22 incidents might have occurred specific to this. When 16:35:51

157

1	I told him what had happened, he looked in his -- in	16:35:53
2	her personnel file and found a prior infraction of a	16:35:55
3	similar nature, which is why that ended up being a	16:35:59
4	written. But, I mean, I would -- I would -- I would	16:36:02
5	think that that would be an offense that would deem --	16:36:05
6	that would, you know --	16:36:09
7	Q It's important that the gear be on the unit,	16:36:11
8	right?	16:36:14
9	A Yes, ma'am.	16:36:14
10	Q And there was that day when you got -- when	16:36:15
11	the second -- was it the next shift?	16:36:19
12	A The next shift in the morning, yes.	16:36:21
13	Q When they got there your gear was there,	16:36:23
14	right?	16:36:25
15	A Yes, ma'am.	16:36:26
16	Q But her gear was not there?	16:36:26
17	A That's correct.	16:36:28
18	Q And it was against the wall or something?	16:36:28
19	A Yeah, it was up against the wall. Again,	16:36:31
20	there was several different stories that I was told.	16:36:34
21	The individual came in half a day, so it wasn't the	16:36:34
22	beginning of the day when this whole thing started,	16:36:35

158

1 came in half a day and somehow the next day her gear 16:36:38
2 wasn't there. 16:36:42

3 So again, it was up against the wall one 16:36:43
4 minute. Then she remembered something about we have 16:36:44
5 two sets of gear. She thought that she had -- she had 16:36:51
6 been working out in the one set of gear and she was 16:36:55
7 going to send it in for it to be cleaned. 16:36:57

8 I mean, there are -- it is all in here. 16:37:00
9 I'd have to refresh my memory to tell you anything 16:37:01
10 more specific. But I do know that, again, there were 16:37:04
11 several different stories that came out of this as to 16:37:10
12 why the gear was there, or maybe it was there, but 16:37:12
13 yeah. 16:37:15

14 Q And so during even this short period of time 16:37:16
15 that she was there with you, she made a lot of 16:37:21
16 mistakes and you had some judgement and discretion as 16:37:23
17 far as which ones you thought, hey, this is really 16:37:26
18 serious and she needs to have a message on this, 16:37:32
19 right? 16:37:34

20 MS. BURROUGHS: Objection to form. 16:37:35

21 A It's not my determination to determine what 16:37:36
22 is very serious. If it doesn't follow the rule, the 16:37:37

186

1 Q And in your answer you state that you've 17:21:43
2 completed annual evaluations for all paramedics 17:21:46
3 assigned to stations 27 and four. 17:21:49

4 A That's all paramedics assigned to station 17:21:52
5 27. 17:21:55

6 Q And for while you were assigned to that 17:21:55
7 station, right? 17:21:57

8 A That's correct. Four was a little different 17:21:59
9 situation. The engine officer that I had prior to the 17:22:01
10 one that I have now at station four also had ALS 17:22:06
11 certification. So he could also do the evaluations 17:22:09
12 for the medic that rode on his unit and was able to -- 17:22:12
13 he was able to see their performance on calls prior to 17:22:17
14 medic units actually getting on scene. So he would do 17:22:21
15 the evaluations for that, those individuals, those 17:22:24
16 medics, because he also had ALS certification. 17:22:28

17 At station 27 it was a little different. I 17:22:32
18 was the only one that could really do all the medics 17:22:34
19 that were at the station because, again, it was in my 17:22:36
20 technical realm of expertise. 17:22:40

21 Q Okay. And so when the lieutenant completes 17:22:42
22 or completed an evaluation of someone on your shift, 17:22:49

187

1	did you also sign the evaluation as the reviewing	17:22:53
2	authority?	17:22:55
3	A I did, but my battalion chief would look at	17:22:56
4	it before and I would subsequently sign it.	17:23:00
5	Q Okay. And when you completed the evaluation	17:23:03
6	of an employee, whether it was a lieutenant or a	17:23:06
7	paramedic, would you sign as the preparer?	17:23:14
8	A I would sign as preparer and the reviewing	17:23:18
9	authority would be generally the battalion chief.	17:23:21
10	Generally the battalion chief, yes.	17:23:26
11	Q Is the employee evaluation form the same for	17:23:28
12	captains as for lieutenants?	17:23:33
13	A Yes, ma'am.	17:23:35
14	Q And for firefighters?	17:23:35
15	A Yes, ma'am.	17:23:37
16	Q And for technicians?	17:23:37
17	A Yes, ma'am.	17:23:39
18	Q And for -- is it one uniform evaluation form	17:23:39
19	for the whole --	17:23:43
20	A Yes, ma'am.	17:23:45
21	Q -- county?	17:23:46
22	A It is. It is for, yes, the entire county.	17:23:47

209

1 Q Okay. In your answer on the next page to 17:47:34
2 interrogatory number 14, eight lines down in the 17:47:37
3 answer it states, "During many shifts, plaintiff is 17:47:53
4 scheduled to take part in safety presentations in the 17:47:55
5 community." Can you tell me what that's about. 17:47:58

6 A At times our life safety education folks 17:48:00
7 will be doing presentations in various schools and 17:48:06
8 we'll go to the schools and we'll, you know, do the -- 17:48:09
9 dress up like a firefighter so that children won't be 17:48:12
10 afraid in the event that, you know, there is a fire, 17:48:15
11 they won't be afraid to go towards the firefighter. 17:48:17
12 They'll have some knowledge of, you know, what they 17:48:21
13 need to do in the event of a fire. We've done that. 17:48:23
14 We've done just other safety type presentations to 17:48:27
15 local like civic groups that have requested it in the 17:48:32
16 Herndon area. 17:48:36

17 Q So this is like near the station? 17:48:38

18 A Yes, yes. It's in our first due, yes. 17:48:40
19 First due, yes. 17:48:42

20 Q Okay. And do you -- does the station 17:48:49
21 schedule those, or are those scheduled for them -- 17:48:52

22 A No, no. 17:48:57

210

1 Q -- by somebody centrally? 17:48:57

2 A No. The people call. They tell us what day 17:48:59

3 that they're interested in. If it's a day that our 17:49:02

4 particular shift isn't working, we take a -- take a 17:49:04

5 message and notify the other shift that, you know, 17:49:07

6 this person is interested in having a safety something 17:49:09

7 or other on whatever given day and let the other shift 17:49:12

8 handle it. We don't know what their schedule is. 17:49:16

9 They have a separate calendar. They have the master 17:49:18

10 calendar to look through. We don't know what their -- 17:49:20

11 their availability is on any given day. 17:49:22

12 And then the life safety education, if they 17:49:25

13 have something that's going on in our area, they'll 17:49:27

14 send a fax and they'll send an e-mail with the times 17:49:30

15 and the dates and the location for, you know, 17:49:32

16 whatever -- you know, whatever life safety 17:49:35

17 presentation that they're giving to the school and 17:49:39

18 they ask for -- if we're able to participate. 17:49:41

19 Nine times out of ten, I'll be honest, we on 17:49:44

20 the medic unit almost never make it there because 17:49:47

21 we're running calls, constantly running calls. The 17:49:49

22 engine company, because they -- for the most part, you 17:49:53

211

1	know, they can be on an ALS call and they're in	17:49:55
2	service once they leave. They're a little bit more --	17:49:59
3	their time is a little bit more -- they're able to do	17:50:02
4	it just because they're not on a call as long as a	17:50:05
5	medic unit is.	17:50:09
6	So they'll, you know, do the presentation	17:50:10
7	and, you know, generally nine times out of ten, you	17:50:11
8	know, they get through it without, you know, getting	17:50:15
9	any calls. So they're able to do the presentation,	17:50:17
10	but we unfortunately aren't able. We don't have that	17:50:20
11	latitude to get kids to the point where they're	17:50:23
12	comfortable with what goes on inside of a medic unit	17:50:27
13	just because we're -- we just can't go out of service	17:50:30
14	for something like that and we're usually running	17:50:32
15	calls.	17:50:35
16	Q I saw a mention in one of the documents	17:50:35
17	about AOR as a code. Are you familiar with that?	17:50:37
18	A Yeah. It's available on radio, which means	17:50:41
19	we're available to take calls.	17:50:43
20	Q Okay. And so when you get dispatched, is	17:50:45
21	there a code that you put in?	17:50:47
22	A We have on a screen, our NDT screams --	17:50:49

3222
VIDEOTAPED DEPOSITION OF CAPTAIN NATALIE DAWN ROBB
CONDUCTED ON THURSDAY, JUNE 5, 2014

220

1 A I act as the unit that is there to take care 18:06:26
2 of patients if we have patients that need to be taken 18:06:31
3 care of. If not, you know, we're there also for our 18:06:33
4 folks. So we -- if it gets to be too -- a big enough 18:06:38
5 scene, a rehab is established and we take the vitals 18:06:42
6 and make sure that all of our personnel are fit and 18:06:47
7 able to continue working. 18:06:50

8 Again, if -- if I have no patient and 18:06:52
9 we're -- we see someone who is struggling or needs 18:06:56
10 some assistance with whatever they're trying to do on 18:07:00
11 the fire scene, within reason, you know, stretching a 18:07:03
12 hose or unkinking a hose, you know, we do that. We 18:07:06
13 pretty much operate as a team in order to get the job 18:07:10
14 done basically. 18:07:13

15 Q And when you're dispatched to an emergency 18:07:14
16 medical scene, what do you do as an EMS Captain I? 18:07:16

17 A Hands-on patient care. 18:07:20

18 Q And what does that involve just in 18:07:21
19 generalities? 18:07:25

20 A Assessing the patient, asking questions, 18:07:26
21 actually sometimes putting leads on, starting IVs, 18:07:28
22 giving drugs, just the same general duties that any 18:07:32

3223
VIDEOTAPED DEPOSITION OF CAPTAIN NATALIE DAWN ROBB
CONDUCTED ON THURSDAY, JUNE 5, 2014

221

1 medic would have that's assigned to a medic unit. 18:07:39

2 Q As an ALS provider, are there certain things 18:07:41

3 that you can do that a person with a basic BLS 18:07:45

4 certification cannot do? 18:07:48

5 A Yes. Advanced life support techniques, 18:07:49

6 any -- any intervention that's evasive in nature, IVs, 18:07:53

7 giving drugs, you know, reading EKGs, that sort of 18:07:58

8 thing is all stuff that's an advanced level. 18:08:02

9 Q Okay. Can you remind me what apparatus 18:08:12

10 you're assigned to? 18:08:14

11 A Medical 404. 18:08:15

12 Q And what type of vehicle is that? 18:08:17

13 A It's an ambulance. 18:08:20

14 Q Okay. Does that apparatus ever respond to a 18:08:23

15 call without you on it? 18:08:25

16 A No, it does not. 18:08:26

17 Q And are there other individuals who ride 18:08:27

18 that apparatus with you? 18:08:29

19 A Yes, one other person generally. 18:08:31

20 Q And do you and that one other person go on 18:08:33

21 the same number of calls? 18:08:36

22 A We do, yes. 18:08:37

3224
VIDEOTAPED DEPOSITION OF CAPTAIN NATALIE DAWN ROBB
CONDUCTED ON THURSDAY, JUNE 5, 2014

222

1	Q	What rank is that other individual?	18:08:38
2	A	Sometimes it's a firefighter, other times	18:08:40
3		it's a technician.	18:08:43
4	Q	No matter what you're doing, if the tone	18:08:46
5		rings and you are dispatched, do you go?	18:08:49
6	A	Yes.	18:08:51
7	Q	We talked a little bit ago about community	18:08:52
8		safety presentations. If you were at a community	18:08:57
9		safety presentation and you were dispatched, what	18:08:59
10		would you do?	18:09:02
11	A	We go on the call.	18:09:03
12	Q	Is that true even if you were in -- you	18:09:05
13		know, at a school in front of kids in the middle of	18:09:07
14		the presentation?	18:09:09
15	A	Yes, ma'am.	18:09:10
16	Q	Would you stop to -- would you wait to	18:09:11
17		finish the presentation?	18:09:13
18	A	Absolutely not.	18:09:14
19	Q	We looked earlier at some of your	18:09:17
20		supervisory notes. Do you recall those?	18:09:20
21	A	Yes, ma'am.	18:09:21
22	Q	If you were writing those supervisory notes	18:09:22

226

1	Q	And it appears that that's completed for	18:12:00
2		you. Is that correct?	18:12:01
3	A	Yes, ma'am.	18:12:03
4	Q	All right. You mentioned before completing	18:12:03
5		performance evaluations for the lieutenants on your	18:12:05
6		shift. Is that right?	18:12:07
7	A	Yes, ma'am.	18:12:08
8	Q	If you were completing -- is the same form	18:12:08
9		used for the lieutenants?	18:12:11
10	A	Yes, ma'am.	18:12:13
11	Q	If you were completing a performance	18:12:14
12		evaluation for a lieutenant, would you complete this	18:12:16
13		section?	18:12:18
14	A	Yes, ma'am.	18:12:19
15	Q	Do you understand that the -- is it your	18:12:19
16		understanding that this section is required to be	18:12:20
17		completed for lieutenants?	18:12:21
18	A	Yes, ma'am.	18:12:23
19	Q	Okay.	18:12:24
20		MS. BURROUGHS: That's all of that one.	18:12:24
21		BY MS. BURROUGHS:	18:12:31
22	Q	Could you find number 445. It might be near	18:12:31

227

1	the top. I think it was one of the last e-mails that	18:12:36
2	we looked at.	18:12:38
3	A Okay. 445, you said?	18:12:39
4	Q 445, yes.	18:12:51
5	A Okay.	18:12:55
6	Q In the very last paragraph of this top	18:12:59
7	e-mail, it says, "This will go in my supervisory	18:13:02
8	notes. The next time this happens, I want her name on	18:13:06
9	paper. If either of you feel I have enough to justify	18:13:09
10	paper (verbal) now, please let me know." Do you see	18:13:13
11	that section?	18:13:15
12	A Yes, I do.	18:13:17
13	Q Why didn't you just complete a verbal	18:13:18
14	reprimand?	18:13:19
15	A I'm not able to without the approval of my	18:13:20
16	battalion chief.	18:13:22
17	MS. BURROUGHS: That's all for that one.	18:13:25
18	BY MS. BURROUGHS:	18:13:27
19	Q Can you find No. 426, which should be your	18:13:27
20	interrogatory responses.	18:13:30
21	A Okay.	18:13:39
22	Q We looked, I think, last at page 21. I'll	18:13:59

229

1	Q Okay.	18:14:47
2	MS. BURROUGHS: Done with the	18:14:50
3	interrogatories.	18:14:51
4	BY MS. BURROUGHS:	18:14:53
5	Q Have you ever been injured in -- on the job	18:14:53
6	as an EMS Captain I?	18:14:56
7	A Yes, I have.	18:14:58
8	Q Can you tell me about those injuries.	18:14:59
9	A Injured my back, herniated a couple discs in	18:15:01
10	the process of moving a patient over and moving	18:15:05
11	equipment. I was off of work for a while for the	18:15:07
12	three instances that it happened. There were two	18:15:12
13	recent instances where there were flare-ups of my back	18:15:15
14	as a result of moving patients and moving equipment,	18:15:18
15	more specifically the last one was moving a patient	18:15:23
16	from the cot, from our medic unit cot to the bed in	18:15:26
17	the hospital.	18:15:29
18	I've had a knee injury. I've sprained an	18:15:31
19	ankle on a fire call. I had a shoulder injury.	18:15:33
20	I smashed my finger taking a patient --	18:15:42
21	we've got a cot that has a restraint mechanism. When	18:15:45
22	we pull the cot out, the legs drop down. And in order	18:15:49

230

1	to make sure that the patient doesn't go with the --	18:15:52
2	with the -- you know, go down along with the cot's	18:15:56
3	legs, it's -- there's a hook on the back in the medic	18:15:58
4	unit that you have to release once the legs are fully	18:16:01
5	supporting the cot, and I got my finger caught in	18:16:05
6	between that mechanism and smashed it pretty good.	18:16:08
7	These are all, I guess, injuries within --	18:16:14
8	well, while I've been a captain. The knee injury had	18:16:18
9	happened first and that's when I was first promoted.	18:16:20
10	Q I could only catch two of them as we were	18:16:24
11	going through.	18:16:26
12	A Sorry.	18:16:27
13	Q No, that's okay. I just wanted to ask you	18:16:28
14	about dates if you can remember them. You said moving	18:16:29
15	a patient to a cot at the hospital. Do you remember	18:16:32
16	when that injury occurred?	18:16:34
17	A That was recent and that happened twice. So	18:16:35
18	that was -- it actually happened once and my back	18:16:37
19	flared up again some weeks later, like March, I	18:16:46
20	believe, March or April of this year.	18:16:49
21	Q Okay. And then you mentioned about your	18:16:51
22	finger being caught in the mechanism of the cot?	18:16:52

231

1	A	That was -- I remember. I believe it was --	18:16:56
2		it was this year, at some point early this year. I	18:17:04
3		don't have the exact dates.	18:17:08
4	Q	Sure.	18:17:09
5	A	I'm trying to remember if it was warm or	18:17:10
6		cold outside.	18:17:12
7	Q	I don't know if that would help you remember	18:17:13
8		based on the weather we've had this year.	18:17:15
9	A	That's true. That's very true.	18:17:18
10	Q	And of the other injuries that you mentioned	18:17:19
11		that maybe I didn't jot down quickly enough, do you	18:17:21
12		remember when any of those other injuries occurred?	18:17:25
13	A	I -- again, this is all within the time	18:17:28
14		period since I've been a captain, since 2006, August	18:17:31
15		of -- excuse me, October of 2006 when I got promoted.	18:17:35
16		This all happened while I was at 27 and four. So I	18:17:38
17		don't know the specific dates, but I do know that it	18:17:41
18		happened within the five-year period or the seven, how	18:17:43
19		many ever years, 2006 to now. Ten, 12 years.	18:17:52
20	Q	Okay.	18:17:59
21	A	Excuse me. Not that many. Good Lord. My	18:17:59
22		math is really off.	18:18:02

3230
VIDEOTAPED DEPOSITION OF CAPTAIN NATALIE DAWN ROBB
CONDUCTED ON THURSDAY, JUNE 5, 2014

232

1	MS. KILLALEA: You just went backwards.	18:18:05
2	THE WITNESS: I did. Lord. Eight years.	18:18:07
3	MS. BURROUGHS: Eight years? There you go.	18:18:11
4	THE WITNESS: Eight years. Almost ten	18:18:15
5	years. There we go.	18:18:17
6	MS. BURROUGHS: It's getting late today. I	18:18:17
7	understand.	18:18:19
8	THE WITNESS: It is.	18:18:34
9	BY MS. BURROUGHS:	18:18:34
10	Q Do you remember ever getting a cut or a	18:18:34
11	laceration?	18:18:36
12	A That was my finger that I smashed, yeah.	18:18:39
13	Q Did you miss work because of your finger?	18:18:49
14	A No, I did not.	18:18:51
15	Q Did you miss work because of the back injury	18:18:53
16	you mentioned, moving a patient to a cot at the	18:18:55
17	hospital?	18:18:57
18	A Yes, I did.	18:18:57
19	Q How many days of work did you miss due to	18:18:58
20	that injury?	18:19:00
21	A Just recently six. I cannot remember how	18:19:01
22	long for the original injury when I had herniated the	18:19:05

3231
VIDEOTAPED DEPOSITION OF CAPTAIN NATALIE DAWN ROBB
CONDUCTED ON THURSDAY, JUNE 5, 2014

233

1 discs, which this was -- the moving the patient was an 18:19:08

2 exacerbation of a previous injury. 18:19:13

3 Q And do you remember when the original injury 18:19:15

4 happened when you herniated the discs? 18:19:16

5 A I guess February of 2012. 18:19:22

6 Q And you were also a captain, EMS Captain I 18:19:29

7 at that time, right? 18:19:31

8 A Yes. 18:19:34

9 Q Did you miss work for the original 18:19:35

10 herniation of the discs? 18:19:37

11 A I did, and again, I can't remember how 18:19:39

12 much -- how much work that I missed, but I do know 18:19:41

13 that I missed some days. 18:19:43

14 Q Was it more than a week? 18:19:44

15 A I believe it probably was. 18:19:45

16 Q Okay. Was it more than a month? 18:19:47

17 A No, it was not. 18:19:49

18 Q Have you ever expressed an opinion about the 18:20:01

19 staffing at your station? 18:20:05

20 A I have. We -- medic 404 again is a 18:20:07

21 paramedic training unit. We're normally staffed with 18:20:13

22 two medics on the medic unit. 18:20:16

3232
VIDEOTAPED DEPOSITION OF CAPTAIN NATALIE DAWN ROBB
CONDUCTED ON THURSDAY, JUNE 5, 2014

234

1 We are close to Loudoun County and very, 18:20:19
2 very frequently we go to run mutual aid calls in 18:20:21
3 Loudoun County. Again, the staffing, once we get over 18:20:25
4 there, is very questionable. There's no rhyme or 18:20:27
5 reason to how they staff or how they're able to staff. 18:20:31
6 And on a few occasions, especially recently, my unit 18:20:34
7 has been downgraded to a one-and-one where I'm the 18:20:38
8 only paramedic on the unit and I've got a firefighter 18:20:40
9 driving. We made our case successfully at station 39, 18:20:44
10 which is also a unit that borders Loudoun County, that 18:20:50
11 they have two medics on -- in the unit as well because 18:20:53
12 they're also susceptible to running calls into God 18:20:56
13 only knows what. 18:21:00
14 And basically, you know, I strenuously -- I 18:21:01
15 sent an e-mail up to my battalion chief. He was the 18:21:04
16 fill-in for the day, but I also cc-ed my battalion 18:21:08
17 chief who was riding as deputy that day to -- to 18:21:09
18 basically ask that they not do that, to do whatever 18:21:13
19 they could do to fill that position with another medic 18:21:16
20 because there's only so much that I can do as a single 18:21:18
21 medic on a -- on a call in Loudoun County when I don't 18:21:21
22 know what kind of resources I'm going to have. 18:21:24

3233
VIDEOTAPED DEPOSITION OF CAPTAIN NATALIE DAWN ROBB
CONDUCTED ON THURSDAY, JUNE 5, 2014

235

1 So I did send something up the chain, and 18:21:28
2 nothing -- I saw as recently as the other day they had 18:21:31
3 to -- they did another -- staffed it as one-and-one 18:21:34
4 for half of the day. So, you know, whenever strenuous 18:21:39
5 objections that I had apparently did nothing. 18:21:42

6 Q Do you remember when you sent that e-mail? 18:21:45

7 A It was very recent. I consulted with the 18:21:48
8 station captain and the other shift leader on the 18:21:52
9 other shift. That was probably less than a month ago, 18:21:54
10 a month, month and a half. 18:21:59

11 Q Did you get any e-mails back from the -- you 18:22:04
12 said you sent it to your battalion chief -- 18:22:07

13 A Yes. 18:22:10

14 Q -- who was filling in as the deputy chief. 18:22:10
15 Is that right? 18:22:13

16 A That's correct. 18:22:13

17 Q Did you get any e-mails back from that 18:22:14
18 individual responding to your concerns? 18:22:16

19 A No e-mails back. My battalion chief, once 18:22:17
20 he was not filling in and he was back to our battalion 18:22:20
21 chief that day -- not that day, but later on that 18:22:25
22 tour, he did come down and hear what -- you know, hear 18:22:27

236

1 me express my views in person, but I haven't heard 18:22:30
2 anything. 18:22:33

3 And again, apparently what I did and the 18:22:34
4 objections that I had apparently made no difference in 18:22:37
5 staffing decisions because, again, the other day when 18:22:40
6 I was off, it was staffed as a one-and-one for half a 18:22:44
7 day and probably more. It apparently happens on other 18:22:48
8 shifts as well on that -- at that station. 18:22:52

9 Q Okay. 18:22:55

10 MS. BURROUGHS: Thank you very much. That's 18:22:55
11 all I have. 18:22:56

12 THE WITNESS: You're welcome. 18:22:58

13 MS. REWARI: I have a few follow-up. 18:22:59

14 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANT 18:23:02
15 BY MS. REWARI: 18:23:02

16 Q Your counsel asked you earlier whether you 18:23:02
17 run the same number of calls as the technician on your 18:23:03
18 unit. If you are filling in as an EMS supervisor, 18:23:08
19 you're not running the same amount of calls as your 18:23:13
20 technician running your unit, right? 18:23:16

21 A No, because I don't have a technician as an 18:23:17
22 EMS supervisor. 18:23:19

1

1

UNITED STATES DISTRICT COURT

2

FOR THE EASTERN DISTRICT OF VIRGINIA

3

(Alexandria Division)

4

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5

GERARD MORRISON, et al.,)

6

Plaintiffs,) Civil Action No.

7

v.) 1:14cv5 (CMH/JFA)

8

COUNTY OF FAIRFAX, VA.,)

9

Defendant.)

10

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11

12

Videotaped Deposition of CHRISTOPHER THOMPSON

13

McLean, Virginia

14

Tuesday, June 10, 2014

15

8:48 a.m.

16

17

18

19

20

Job No.: 59009

21

Pages: 1 - 266

22

Reported by: Leslie Anne Todd

3236
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

70

1	child may have drowned, and they did CPR, whatever --	10:03:15
2	Q Okay.	10:03:15
3	A -- but we -- we -- we got on the scene,	10:03:19
4	but everybody on the scene got a life safety award --	10:03:21
5	saving award, so...	10:03:24
6	Q Okay. Okay.	10:03:24
7	All right. So looking under	10:03:30
8	Committees --	10:03:30
9	A Mm-hmm.	10:03:30
10	Q -- and you have -- skipping down to	10:03:34
11	"Accident Review Board."	10:03:38
12	A Yes.	10:03:39
13	Q How long were you and when were you on	10:03:39
14	the Accident Review Board?	10:03:42
15	A As a safety officer, we all serve on the	10:03:43
16	Accident Review Board.	10:03:46
17	Q Okay. So the whole time that you were a	10:03:50
18	safety officer, you were on the board?	10:03:52
19	A Yes.	10:03:54
20	Q What did the Accident Review Board do?	10:04:03
21	A Every month we have accidents, and we	10:04:05
22	meet monthly and we review the accidents, and we	10:04:07

3237
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

71

1 determine what class the accident is. And for 10:04:11
2 example, Class 1 meaning that the person was truly at 10:04:17
3 fault, Class 5 being that the person wasn't even in 10:04:21
4 the vehicle and somebody backed into the car. 10:04:25

5 So the Accident Review Board, every 10:04:28
6 accident that happens in Fairfax County with our 10:04:29
7 apparatus, it goes amongst the board, and the board 10:04:32
8 consists of firefighters, from the academy, risk 10:04:35
9 managers, safety officers, people from the office, 10:04:41
10 and it's a group of folks and we determine the class 10:04:45
11 of the accident. Is it a Class 1, 2, 3, 4, 5? 10:04:48

12 Once we determine what the class is, we 10:04:52
13 get the person to say what happened, we get all the 10:04:55
14 police reports, and we get the pictures of what 10:04:57
15 happened. And we classify it as to what the 10:05:01
16 classification is. And we forward that information 10:05:04
17 to the chiefs, and they distribute the -- whatever 10:05:07
18 they do with it. We just -- we just classify the 10:05:10
19 accidents. 10:05:12

20 Q And do you know what happens based on the 10:05:14
21 classification Class 1? 10:05:18

22 A No. 10:05:21

3238
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

72

1	Q	Okay.	10:05:21
2	A	Because it happens -- it's	10:05:22
3		individualized. The chiefs do that. We just class	10:05:25
4		it. After that, it's gone.	10:05:27
5	Q	Okay. Is there an SOP on accident	10:05:28
6		classification, as far as what each one means?	10:05:38
7	A	Yes.	10:05:42
8	Q	Okay. And so you were on this board the	10:05:45
9		entire time?	10:05:48
10	A	As part of what the safety officer does,	10:05:49
11		yes.	10:05:54
12	Q	Okay. So were all six safety officers on	10:05:54
13		the Accident Review Board when you were there?	10:05:56
14	A	Yes. But anybody -- we have backup	10:05:57
15		safety officers and we have technicians, we have	10:05:59
16		different folks. But all six, we were on the board,	10:06:01
17		whether we were there all the time or not, but we	10:06:05
18		were on the Accident Review Board.	10:06:07
19	Q	What's the Occupational Safety and Health	10:06:08
20		Committee?	10:06:11
21	A	That's pretty much a -- a group	10:06:11
22		organizations and the different branches of the fire	10:06:15

VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

228

1	for an hour and a half reading it. I just signed my	13:15:22
2	-- I looked at my overall rating.	13:15:24
3	Q Why was the overall rating important?	13:15:24
4	A Because basically that's the final grade	13:15:27
5	to me. So all that other stuff was --	13:15:29
6	Q Okay. Do you see on -- the evaluation	13:15:32
7	has a Section B? It says, "Don't complete this	13:15:44
8	section if the employee does not supervise others."	13:15:50
9	It starts on page 4 of the evaluation.	13:15:53
10	A Yes. Mm-hmm.	13:15:55
11	Q Okay. You are with me.	13:15:57
12	And do you see it's filled out?	13:15:58
13	A Yes.	13:16:01
14	Q Did you supervise others during this time	13:16:04
15	period as a safety officer?	13:16:06
16	A No.	13:16:07
17	Q Okay. You didn't consider yourself	13:16:08
18	supervising anyone?	13:16:21
19	A I know I wasn't supervising anyone.	13:16:21
20	Q Okay. All right. So did you ever ask	13:16:24
21	him, Why is this being completed?	13:16:25
22	A He was my boss.	13:16:27

3240
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

229

1	Q	Okay. All right.	13:16:28
2		Looking at page 5 -- well, at an	13:16:43
3		emergency scene, did you supervise others?	13:16:53
4	A	No. I was a safety officer. That could	13:16:55
5		have been a lieutenant. That could have been -- no.	13:16:57
6		Somebody is a safety officer at all times --	13:16:59
7	Q	But --	13:17:00
8	A	-- when I got there, I was the safety	13:17:01
9		officer, but I wasn't supervising. I was looking out	13:17:03
10		for the safety and well-being of everybody on the	13:17:05
11		fire ground. That's not supervising. I could	13:17:07
12		stop -- I couldn't stop everything. They could be	13:17:10
13		doing something that I didn't like. Even if it was	13:17:13
14		safe, they could do it. So that's not supervising;	13:17:15
15		that's watching out for their safety. They could do	13:17:18
16		something, as long as it wasn't -- if it was safe, I	13:17:22
17		couldn't stop it. If I was a supervisor, I could	13:17:24
18		stop it.	13:17:27
19	Q	Under "Training," there is mention of	13:17:28
20		bi-annual inservice training. Do you know what that	13:17:30
21		is?	13:17:34
22	A	What page are we on?	13:17:34

VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

234

1	THE WITNESS: Okay.	13:34:01
2	MS. REWARI: Thank you.	13:34:02
3	THE WITNESS: You are welcome. Thank	13:34:03
4	you.	13:34:03
5	EXAMINATION BY COUNSEL FOR PLAINTIFFS	13:34:04
6	BY MS. FAULMAN:	13:34:04
7	Q I have a few questions for you --	13:34:04
8	A You do?	13:34:06
9	Q -- so don't run off just yet.	13:34:07
10	A Okay.	13:34:09
11	Q Were you a member of Local 2068 in 2013?	13:34:11
12	A Yes.	13:34:16
13	Q And you mentioned that you worked as a	13:34:17
14	relief lieutenant for some time.	13:34:20
15	A Yes.	13:34:22
16	Q Did you ever fill in for a captain's	13:34:24
17	position?	13:34:26
18	MS. REWARI: Objection. Relevance.	13:34:27
19	THE WITNESS: Yes. Every day I worked as	13:34:29
20	a relief person, I was -- when the captains took off,	13:34:31
21	as a lieutenant, I filled. That's what I did. I	13:34:36
22	rode as the captain's spot as a lieutenant.	13:34:39

342
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

235

1	BY MS. FAULMAN:	13:34:41
2	Q Were you paid as a captain when you were	13:34:41
3	doing that?	13:34:43
4	A No.	13:34:43
5	Q In other words, did you receive --	13:34:43
6	A I was a lieutenant. No.	13:34:45
7	Q And if you were working overtime hours	13:34:46
8	when you filled in for a captain, did you receive	13:34:48
9	overtime pay?	13:34:51
10	A Yes.	13:34:53
11	Q You discussed station inspections, and	13:35:04
12	that you would take the portion of the form that	13:35:08
13	dealt with the apparatus. Do you remember that	13:35:10
14	testimony?	13:35:12
15	A Yes.	13:35:12
16	Q Who filled out the other sections?	13:35:12
17	A The -- the battalion chief. Someone from	13:35:14
18	facilities went around. We had someone from -- the	13:35:19
19	deputy chief was on scene. And we may have had	13:35:27
20	someone from -- this was someone from -- then the EMS	13:35:31
21	supervisor would look at the EMS equipment. But we	13:35:38
22	all would -- now, my understanding is that we all	13:35:40

3243
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

241

1	Q	-- Defendant's Exhibit 577A, and if you	13:40:32
2		can turn to page 4.	13:40:32
3	A	Okay.	13:40:33
4	Q	We discussed this Section B with respect	13:40:37
5		to Defendant's Exhibit 577, but I would like to do	13:40:39
6		the same thing here with 577A.	13:40:42
7		I notice that Section B is filled out for	13:40:45
8		you on this performance evaluation. Correct?	13:40:47
9	A	Yes.	13:40:50
10	Q	Did you actually supervise anyone during	13:40:50
11		this time period?	13:40:52
12	A	No.	13:40:53
13	Q	Can I have you look at Defendant's 579.	13:41:09
14		And who is Philip Pommerening?	13:41:23
15	A	He's the battalion chief of EMS, the	13:41:25
16		emergency medical services.	13:41:31
17	Q	So he's at the battalion chief rank?	13:41:31
18	A	Yes.	13:41:33
19	Q	And if you can take a look at number 1 of	13:41:33
20		his e-mail, the paragraph that starts number 1.	13:41:37
21	A	Mm-hmm.	13:41:43
22	Q	In this paragraph, he is disagreeing with	13:41:44

3244
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

245

1	bullet, "Plans and participates in public relations	13:45:37
2	programs."	13:45:40
3	A Yes.	13:45:41
4	Q Are captains the only ranks that do those	13:45:41
5	activities?	13:45:44
6	A That's all ranks.	13:45:44
7	Q As a safety officer, do you have the	13:45:53
8	authority to assign overtime to off-duty	13:45:55
9	firefighters?	13:45:59
10	A No.	13:45:59
11	Q Do you approve leave?	13:45:59
12	A No.	13:46:01
13	Q Do you set minimum staffing levels?	13:46:01
14	A No.	13:46:04
15	Q Do you fill out any performance	13:46:05
16	appraisals for any subordinate officers?	13:46:07
17	A No.	13:46:09
18	Q Do you do any budgeting?	13:46:09
19	A No.	13:46:12
20	Q Do you submit a wish list?	13:46:12
21	A No. I never have.	13:46:15
22	Q Do you update station policies?	13:46:18

3245
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

246

1	A	No.	13:46:21
2	Q	Do you engage in physical fitness on a	13:46:23
3		shift basis, daily shift basis?	13:46:27
4	A	Yes.	13:46:29
5	Q	And how much time would you spend	13:46:29
6		engaging in physical fitness?	13:46:30
7	A	I gave myself about two hours, two hours	13:46:34
8		a day.	13:46:36
9	Q	And do you participate in -- we looked at	13:46:38
10		some examples of training, so you participate in	13:46:44
11		training as a safety officer?	13:46:46
12	A	Yes.	13:46:47
13	Q	And can you estimate how much time you	13:46:47
14		spend in training on any given shift?	13:46:50
15	A	I can give you -- probably about -- I'd	13:46:53
16		say ten hours a month. So I would say an hour a day.	13:46:57
17		Some days it's three hours and some days it's zero.	13:47:01
18	Q	So if you average it out?	13:47:04
19	A	I would say an hour a day and ten days a	13:47:05
20		month average.	13:47:09
21	Q	As a safety officer, did you have any	13:47:10
22		responsibility with respect to discipline?	13:47:12

3246
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

247

1	A	No. I never -- no.	13:47:14
2	Q	And what do you consider the most	13:47:18
3		important job duty of the safety officer to be?	13:47:21
4	A	Safety of our members who -- ensuring the	13:47:24
5		safety of our members and the citizens.	13:47:29
6	Q	And you mentioned that you could be	13:47:36
7		dispatched, correct?	13:47:43
8	A	Yes.	13:47:44
9	Q	If you were dispatched to a call, and you	13:47:45
10		were completing -- and one of the various e-mails	13:47:50
11		that we looked at, for example --	13:47:53
12	A	Yes.	13:47:54
13	Q	-- would you finish the e-mail or would	13:47:54
14		you respond to the call?	13:47:57
15	A	You would stop and you go. You would go	13:47:59
16		to the call.	13:48:02
17	Q	And if you were in a battalion management	13:48:03
18		team meeting, and you were dispatched to a call, what	13:48:06
19		would you do?	13:48:09
20	A	You'd go.	13:48:10
21	Q	And what if you were serving on one of	13:48:11
22		the committees, did you do that while you were on	13:48:13

3247
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

248

1	duty?	13:48:15
2	A Yes. We had ARBs, it's all safety	13:48:16
3	officers, two of them are working at the time, so if	13:48:20
4	they got the call, they left.	13:48:22
5	Q Okay. So you would leave that committee	13:48:23
6	meeting?	13:48:25
7	A Yes. Whatever meeting -- if you were in	13:48:25
8	a committee and you worked, you left.	13:48:26
9	Q Do you have any purchasing authority as a	13:48:30
10	safety officer or did you?	13:48:32
11	A You mean like with a card or --	13:48:33
12	Q Right, exactly.	13:48:37
13	A No.	13:48:38
14	Q And there was some discussion about if	13:48:41
15	you saw an immediate danger on a fire or emergency	13:48:43
16	scene. Do you recall that?	13:48:47
17	A Yes.	13:48:48
18	Q Did you decide that that was an immediate	13:48:50
19	danger based on your skills and technical abilities?	13:48:53
20	A Yes.	13:48:56
21	Q And you applied -- you used those skills	13:48:56
22	and looked at the facts of the call?	13:48:59

3248
VIDEOTAPED DEPOSITION OF CHRISTOPHER THOMPSON
CONDUCTED ON TUESDAY, JUNE 10, 2014

249

1 A Yes. I looked at the big picture and 13:49:00
2 decided that this is unsafe. 13:49:02

3 Q And would you ever apply the facts that 13:49:05
4 you saw against any standards, standard operating 13:49:09
5 procedures, protocols, et cetera? 13:49:12

6 A No. 13:49:14

7 Q No? 13:49:14

8 And you had been working for about 23 13:49:19
9 years before you took the captain's exam, correct? 13:49:21

10 A Yes. 13:49:25

11 Q Why did you wait so long to take the 13:49:27
12 captain's exam? 13:49:29

13 A No, I took the captain's exam in '90 -- 13:49:31
14 earlier, but I decided that I -- lieutenants made 13:49:33
15 more money. So I -- I stayed with lieutenant due to 13:49:36
16 the fact that I knew I could get FLSA money. 13:49:40

17 Q Okay. And do you know if lieutenants who 13:49:43
18 are further up in the step make more without overtime 13:49:48
19 than a new captain who has not yet attained a Step 13:49:55
20 10? 13:50:00

21 A Oh, of course, yes. Yes. 13:50:00

22 MS. FAULMAN: Okay. I have no further 13:51:02

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x

GERARD MORRISON, et al., :

Plaintiffs, : Civ. Action No.

v. : 1:14cv5 (CMH/JFA)

COUNTY OF FAIRFAX, VA., :

Defendant. :

-----x

CONTAINS CONFIDENTIAL PORTIONS

SUBJECT TO PROTECTIVE ORDER

Videotaped Deposition of

WILLIAM DAVID VANNOY

McLean, Virginia

Friday, June 6, 2014

8:45 a.m.

Job No.: 59007

Pages: 1 - 312

Reported By: Rebecca Stonestreet, RPR, CRR

145

1 probably, because they're going to have an ALS 11:54:30
2 provider on the trucks starting here in July. So 11:54:33
3 they're going to be responding on it, the same 11:54:36
4 events that the engine is as well. 11:54:39

5 Q Separately from the engine? 11:54:40

6 A Correct. 11:54:41

7 Q So you wouldn't send both the tower and 11:54:42
8 the engine for the same -- 11:54:46

9 A Depending on the nature of the event, 11:54:49
10 basically -- you know, dispatch has their 11:54:51
11 algorithms, so they're going to dispatch. Now, the 11:54:53
12 officer has the discretion to add on to that call. 11:54:57
13 He doesn't have the discretion to not go on the 11:55:04
14 call, but he has the discretion to add on if he 11:55:07
15 thinks he needs an additional resource to the 11:55:10
16 event. 11:55:14

17 Q Let's look at Exhibit 468. Do you 11:55:14
18 recognize this as an e-mail from you to 11:55:44
19 Tony Kostecka and Patrick Sheehan? 11:55:47

20 A Yes. 11:55:57

21 Q And you sent this just a couple of months 11:55:59
22 ago, on March 9, 2014. Right? 11:56:00

173

1 where we can -- you know, a house fire or a 12:23:31
2 townhouse fire; you know, we don't run these 12:23:33
3 enough. So to be able to practice these type of 12:23:35
4 scenarios and get everybody -- getting the hands-on 12:23:37
5 muscle memory-type stuff, and -- you know, also 12:23:40
6 seeing what some of the snafus are that can happen 12:23:43
7 in an event, and hey, here's why this works better 12:23:45
8 or this is a better practice. And, you know, it 12:23:48
9 can also give us time to explore other options of 12:23:51
10 how we would advance lines or search or... 12:23:54
11 Q Uh-huh. So did this training -- did you 12:23:57
12 take advantage of this training opportunity, then? 12:24:11
13 A Yes. 12:24:13
14 Q So can you tell me about that? What did 12:24:13
15 you participate in? 12:24:19
16 A Myself individually or the... 12:24:20
17 Q Well, what were you there for? 12:24:24
18 A We were there -- like I say, we were up 12:24:25
19 there stretching lines, we were doing forcible 12:24:30
20 entry, we were actually doing some firefighter 12:24:34
21 down, Mayday scenarios. I think I mentioned 12:24:36
22 search, if I didn't mention search. 12:24:41

174

1 And then basically, like I said, doing 12:24:41
2 the high-rise evolutions where we actually have to 12:24:42
3 take a set of hose up and actually connect it to 12:24:45
4 the standpipe and stretch it around multiple 12:24:48
5 corners, which turns into a -- you know, it's a 12:24:49
6 very hands-on, "everybody is working" type of 12:24:51
7 event. 12:24:53

8 Q Did you then participate in this -- I 12:24:54
9 mean, did your entire shift go out? 12:24:58

10 A Yes. 12:25:00

11 Q And were there other -- crews from other 12:25:00
12 shifts at other stations there, too? 12:25:10

13 A Yeah. We broke it up into morning and 12:25:11
14 afternoon splits so that some of the stations were 12:25:13
15 there in the morning and some were in the afternoon 12:25:15
16 so that... 12:25:18

17 Q How many days? 12:25:18

18 A I think it was two days. The first day 12:25:18
19 was doing this type stuff, and then once they got 12:25:21
20 close to where they had to do some asbestos 12:25:23
21 abatement, we were actually able to do some rooftop 12:25:29
22 ventilation, which is, again, another, you know, 12:25:32

175

1 frequently completed task that requires a lot of 12:25:35

2 manpower, a lot of time on task. 12:25:37

3 And, you know, especially for junior 12:25:40

4 members of the department, they don't realize how 12:25:42

5 long it's going to take and what the work is that's 12:25:45

6 required to get through the layers of, you know, a 12:25:48

7 built-up commercial roof like that. So it provided 12:25:51

8 an opportunity for them and also gave the ladder 12:25:54

9 truck operators the ability to spot the buildings. 12:25:59

10 And so it was a two-day event, and that was the 12:26:01

11 second day, and it was more looking at the rooftop 12:26:02

12 ventilation. 12:26:06

13 MS. REWARI: Can we go off the record for 12:26:31

14 a second? 12:26:33

15 THE VIDEOGRAPHER: We'll go off the 12:26:34

16 record. The time is 12:26. 12:26:35

17 (OFF THE RECORD.) 12:27:05

18 THE VIDEOGRAPHER: Back on the record. 12:27:05

19 The time is 12:27. 12:27:07

20 Q I'd like to show you Exhibit 477. Do you 12:27:09

21 recall this e-mail exchange on November 1st, 2013? 12:27:31

22 You can take a moment. 12:27:45

266

1 Q And during the time that you were the -- 14:49:10
2 the hour to hour and a half that you were both 14:49:15
3 revising the policy and installing screws into 14:49:18
4 what? Can you just clarify, what were you 14:49:22
5 installing the screws into? 14:49:24
6 A To mount a clipboard to, so that if 14:49:25
7 people identified items that needed to be ordered, 14:49:28
8 they could put it on the board. 14:49:32
9 Q So putting a screw in the wall? 14:49:32
10 A Correct. 14:49:34
11 Q During the time that you were either 14:49:34
12 writing or revising that policy or putting the 14:49:37
13 screw in the wall, what would happen if a call came 14:49:39
14 in for your apparatus? 14:49:44
15 A We went out on the call. 14:49:45
16 Q Would you finish the policy first? 14:49:47
17 A No. 14:49:49
18 Q And the policy involves ordering supplies 14:49:49
19 like car wash supplies. Correct? 14:49:54
20 A Correct. 14:49:56
21 Q Would you consider ordering car wash 14:49:57
22 supplies to be your most important job duty? 14:50:00

267

1	A	No.	14:50:02
2	Q	And what would happen if, when you were	14:50:03
3		ordering car wash supplies, a call came in? Would	14:50:05
4		you respond to that call or would you have to	14:50:08
5		finish completing the order?	14:50:10
6	A	We would go out on the call.	14:50:12
7	Q	Okay. If you can look at the documents	14:50:14
8		that are marked at the bottom, I'm going to refer	14:50:16
9		to the numbers at the bottom. It's just the	14:50:18
10		easier --	14:50:21
11	A	Okay.	14:50:21
12	Q	-- way to do it. 1-02390.	14:50:22
13		And this is about the -- and I believe	14:50:26
14		you said it was called SIOC?	14:50:28
15	A	SIOC.	14:50:30
16	Q	Okay. Does the fire chief send any	14:50:31
17		e-mails to personnel about his expectations of	14:50:37
18		SIOC, through e-mails?	14:50:43
19	A	Yes, he has sent out e-mails with	14:50:43
20		expectations.	14:50:47
21	Q	And do you know who he sends those to?	14:50:47
22	A	To everybody.	14:50:50

273

1	A	No.	14:55:45
2	Q	The county's attorney showed you a number	14:55:49
3		of class specifications that were attached to a	14:56:03
4		document concerning this special operations	14:56:07
5		project. Were you ever asked to look at the	14:56:11
6		percentage of time captains spent on various tasks	14:56:13
7		in a class specification?	14:56:17
8	A	No.	14:56:18
9	Q	We talked generally about FRD 43s.	14:56:19
10	A	Okay.	14:56:40
11	Q	I don't think you have to look at it.	14:56:40
12	A	Okay.	14:56:43
13	Q	If you feel like you need to, let me	14:56:43
14		know.	14:56:46
15	A	Okay.	14:56:46
16	Q	Are any other ranks other than captains	14:56:46
17		allowed to sign FRD 43s?	14:56:49
18	A	All officers are allowed to sign FRD 43s,	14:56:54
19		from fire chief down to lieutenants.	14:56:58
20	Q	And when you sign a FRD43, are you	14:57:01
21		assigning the overtime?	14:57:01
22	A	No, I'm not.	14:57:01

274

1	Q	What are you doing?	14:57:10
2	A	Just basically saying that I'm verifying	14:57:10
3		that they were there for a certain time period.	14:57:11
4	Q	Is it like taking attendance?	14:57:12
5	A	Yes.	14:57:14
6	Q	And you're not approving the payment of	14:57:14
7		that overtime pay, are you?	14:57:18
8	A	Correct.	14:57:20
9	Q	Correct that you are or you are not?	14:57:21
10	A	I am not.	14:57:23
11	Q	And if you ever were signing one of those	14:57:23
12		FRD 43s and a call came through, would you finish	14:57:34
13		the form or would you go on the call?	14:57:38
14	A	Generally, I was off duty when I was --	14:57:40
15		if it's associated with the project, I was	14:57:42
16		generally off duty, so there weren't any calls at	14:57:45
17		the time. But if I'm doing a 43 for somebody	14:57:48
18		working overtime on my shift and I get a call, then	14:57:51
19		I would go on the call.	14:57:53
20	Q	Are you required to go on the call?	14:57:54
21	A	Yes.	14:57:56
22	Q	If you can take a look at Defendant's	14:57:56

275

1	Exhibit 468.	14:58:04
2	A Which one is it? Did I back it out here?	14:58:04
3	Q I think they're in order somewhat. It's	14:58:28
4	dated March 9th, 2014. It's about the electrical	14:58:31
5	work.	14:58:35
6	A Got it. Uh-huh.	14:58:35
7	Q If you were drafting this e-mail and a	14:58:38
8	tone came through, would you finish the e-mail or	14:58:40
9	would you go on the call?	14:58:42
10	A I would go on a call.	14:58:43
11	Q And is that something that the county	14:58:44
12	would expect?	14:58:47
13	MS. REWARI: Object to form.	14:58:48
14	Q You can answer.	14:58:49
15	A Yes.	14:58:50
16	Q If you can go to the next exhibit,	14:58:50
17	Defendant's Exhibit 484, the same question. Is it	14:58:53
18	more important for you to finish this e-mail or to	14:58:57
19	go on a call if a call comes through?	14:58:59
20	A Go on the call.	14:59:02
21	Q And generally, can you estimate how much	14:59:04
22	time you would spend on any given shift on e-mails	14:59:10

276

1 like the two that we just looked at, which are, for 14:59:14
2 the record, Defendant's Exhibit 468 and 484, the 14:59:17
3 electrical work e-mail and the roof leakage e-mail? 14:59:21

4 A One would probably be at most 10 minutes, 14:59:25
5 just accounting for names and numbers, and the 14:59:29
6 other one would just be a couple of minutes. 14:59:32

7 Q And can you give an average for the 14:59:34
8 amount of time you spend sending similar e-mails 14:59:37
9 when you're working as a Captain I in operations, 14:59:41
10 each shift? 14:59:44

11 A Maybe 20, 30 minutes. I mean, 14:59:45
12 20 minutes, 15 minutes. It's a non-negligible part 14:59:49
13 of the day, usually. 14:59:53

14 Q Okay. If you can look at Defendant's 14:59:55
15 Exhibit 478. And this is the e-mail about -- 14:59:58
16 actually, we have the e-mail about cleaning 15:00:03
17 supplies. Same question as I've been asking. If 15:00:11
18 you were working on putting in the order for car 15:00:13
19 wash and a call came through, would the county 15:00:19
20 expect you to interrupt ordering the cleaning 15:00:22
21 supplies to go to the call? 15:00:25

22 A Yes. 15:00:26

277

1	Q	And turning to Defendant's Exhibit 466,	15:00:27
2		who -- which ranks fill out these reports of	15:00:45
3		work-related injury and illnesses?	15:00:48
4	MS. REWARI:	Objection. Asked and	15:00:50
5		answered.	15:00:54
6	Q	I don't recall the answer, so if you	15:00:54
7		don't mind letting me know.	15:00:56
8	A	Any officer.	15:01:01
9	Q	And would that include lieutenants?	15:01:01
10	A	Correct.	15:01:04
11	Q	Okay. And if you were working on filling	15:01:04
12		out one of these forms and a call came through,	15:01:05
13		does the county expect you to finish the form or go	15:01:08
14		on the call?	15:01:10
15	MS. REWARI:	Object to form.	15:01:11
16	A	Go on the call.	15:01:12
17	Q	And is that what you would do?	15:01:13
18	A	Yes.	15:01:15
19	Q	We talked about the training that you did	15:01:15
20		in the 2nd Battalion in that three -- I think it	15:01:34
21		was a three-story building.	15:01:38
22	A	Uh-huh.	15:01:39

278

1 Q When you were doing that training, were 15:01:40
2 you put out of service or did you remain in 15:01:42
3 service? 15:01:45

4 A Actually, for that training we were out 15:01:45
5 of service. 15:01:47

6 Q Okay. So you would not get a call if you 15:01:47
7 were out of service. Is that correct? 15:01:50

8 A Correct. Correct. 15:01:54

9 Q Okay. And the e-mail that you drafted 15:01:55
10 notifying a number of Battalion 1 captains about 15:01:58
11 the training opportunity, if you were drafting that 15:02:02
12 e-mail to those battalion -- sorry. Battalion 15:02:05
13 chiefs -- or those are Battalion 1 captains. I 15:02:09
14 apologize. I just confused the record. 15:02:16

15 It looks like you e-mailed the captains 15:02:18
16 assigned to Battalion 1. Correct? 15:02:21

17 A Correct. 15:02:24

18 Q Okay. During the process of you drafting 15:02:24
19 this e-mail to those captains, if a call came 15:02:27
20 through, would you go on the call or would you 15:02:27
21 finish drafting the e-mail? 15:02:28

22 A Go on the call. 15:02:28

279

1	Q	If you can look at Defendant's	15:02:30
2		Exhibit 477.	15:02:50
3	A	Which?	15:02:50
4	Q	It's the one involving the promotional	15:02:51
5		exam assessor opportunities for lieutenants.	15:02:55
6	A	Yeah. Back here.	15:02:58
7	Q	Couple of pages -- well, and I'll ask you	15:03:06
8		questions. You might not even need to refer to the	15:03:09
9		document. And if you do, then we'll look for it.	15:03:11
10	A	Okay.	15:03:13
11	Q	Do you recall, was that Lieutenant --	15:03:14
12		Lieutenant Iturrino?	15:03:18
13	A	Iturrino.	15:03:19
14	Q	Was he asking for a promotion within	15:03:20
15		Fairfax department?	15:03:23
16	A	No. He was requesting to be considered	15:03:24
17		to be an assessor for another promotional	15:03:27
18		assessment center for another jurisdiction.	15:03:31
19	Q	Okay. So he also wasn't asking for a	15:03:32
20		full-time job in another jurisdiction, was he?	15:03:35
21	A	No. He was going to be an assessor for	15:03:37
22		their promotional process.	15:03:40

280

1 Q Okay. So it was something like being on 15:03:42
2 a committee of sorts? 15:03:44

3 A Being an assessor for the process. 15:03:47

4 Q And if you were drafting that e-mail, 15:03:51
5 would you interrupt drafting that to take a call if 15:03:55
6 the alarm went off? 15:03:59

7 A Yes. 15:03:59

8 Q And what about performance evaluations? 15:04:00
9 We don't have to go through them so we don't have 15:04:02
10 to worry about the record. But when you were 15:04:04
11 drafting or filling out performance evaluations for 15:04:07
12 your subordinates and a call came through, would 15:04:10
13 you interrupt the drafting of those performance 15:04:12
14 evaluations to respond to a call? 15:04:14

15 A Absolutely. 15:04:16

16 Q And do you believe that's something the 15:04:16
17 county expects of you? 15:04:18

18 A Yes. 15:04:22

19 Q And we talked about a few of the oral 15:04:23
20 reprimand sessions. 15:04:36

21 A (No verbal response.) 15:04:37

22 Q If you were doing an oral reprimand 15:04:38

281

1	session and a call came through, would the county	15:04:40
2	expect you and whomever you were with to respond to	15:04:42
3	a call?	15:04:45
4	A Yes.	15:04:45
5	MS. REWARI: Objection. Lacks	15:04:46
6	foundation.	15:04:47
7	Q Do you know if the county would expect	15:04:48
8	that?	15:04:50
9	A Yes.	15:04:50
10	Q And is that -- would that be your	15:04:50
11	practice?	15:04:53
12	A It would be.	15:04:53
13	Q Okay. And what about some of the	15:04:54
14	informal sessions, discussion sessions that you had	15:04:56
15	with your subordinates? If you were engaging in	15:05:01
16	one of those discussions and a call came through,	15:05:04
17	what is your understanding of what the county	15:05:08
18	expects from you?	15:05:09
19	A That we would go on the call and then	15:05:10
20	resume the conversation when we got back.	15:05:12
21	Q Do you have the authority as a Captain I	15:05:14
22	to assign overtime to off-duty firefighters?	15:05:20

282

1	A	No, I don't.	15:05:23
2	Q	Do you have the authority to approve	15:05:24
3		leave?	15:05:26
4	A	I don't.	15:05:26
5	Q	Do you have the authority to set minimum	15:05:27
6		staffing levels?	15:05:29
7	A	I don't.	15:05:30
8	Q	Do you have the authority to set the	15:05:31
9		budget?	15:05:32
10	A	I do not.	15:05:32
11	Q	Do you have the authority to do any	15:05:33
12		budgeting at all?	15:05:35
13	A	Operate -- no, not at the station, no.	15:05:37
14	Q	Okay. Who in the rank structure has the	15:05:41
15		responsibility for reporting observed disciplinary	15:05:46
16		infractions?	15:05:49
17	A	Everybody.	15:05:50
18	Q	And what does "everybody" include?	15:05:51
19	A	All ranks, firefighters through the fire	15:05:56
20		chief.	15:05:59
21	Q	And when you complete an evaluation for a	15:05:59
22		lieutenant, do you fill out the section of the	15:06:04

283

1	evaluation form that discusses Leadership	15:06:06
2	Capabilities? Section B?	15:06:08
3	A The supervisory portion?	15:06:12
4	Q Yes.	15:06:13
5	A Yes.	15:06:14
6	Q So you fill that out for lieutenants?	15:06:16
7	A Correct.	15:06:18
8	Q Do you have any purchasing authority as a	15:06:18
9	Captain I in operations?	15:06:20
10	A I do not.	15:06:21
11	Q Do you have a credit card?	15:06:22
12	A I don't.	15:06:23
13	Q How much time per year do you spend	15:06:24
14	working on performance evaluations?	15:06:28
15	A Maybe in completing the assessment, an	15:06:30
16	hour and a half per, times five employees.	15:06:39
17	10 hours, 12 hours.	15:06:45
18	Q And that's per year?	15:06:46
19	A Per year.	15:06:47
20	Q In addition to the training in the	15:06:48
21	multilevel building that we talked about, do you do	15:06:58
22	other types of training at your station?	15:07:01

284

1 A Yes. 15:07:03

2 Q What kinds of training? 15:07:03

3 A EMS training, hazmat training, fire 15:07:04

4 suppression training. Anything from pulling hose 15:07:09

5 lines, throwing ladders, to doing EMS drills to 15:07:12

6 practicing mega codes, which is an EMS-type drill. 15:07:16

7 Q Do you lead all of those training 15:07:20

8 sessions? 15:07:22

9 A I do not. 15:07:22

10 Q Who would lead them? 15:07:25

11 A Anybody within the station can lead the 15:07:25

12 training, especially if they have an expertise, if 15:07:27

13 somebody has hazmat or somebody has swift water -- 15:07:30

14 you know, has the higher rope qualification. They 15:07:32

15 would teach that. 15:07:34

16 Q And if somebody else is leading the 15:07:35

17 training, meaning not yourself as the Captain I, 15:07:37

18 what do you do during that training time? 15:07:40

19 A I participate. 15:07:43

20 Q How much time per shift, if you can 15:07:43

21 estimate, do you spend engaged in training? 15:07:46

22 A Of the various sorts, probably three and 15:07:48

285

1 a half to four hours a day would be a fair 15:08:01
2 assessment. Also depending on call volume; 15:08:03
3 obviously if we have calls, we have to go on the 15:08:07
4 calls, but... 15:08:09

5 Q So if you're in the middle of the 15:08:09
6 training and there's a call, do you interrupt the 15:08:11
7 training? 15:08:13

8 A Yes. 15:08:13

9 Q And you go on the call? 15:08:13

10 A Yes. 15:08:15

11 Q Have you updated any station policies 15:08:15
12 besides the one we looked at about supplies? 15:08:21

13 A No. 15:08:24

14 Q And you mentioned at one point you were 15:08:24
15 in a wait room while another person was running 15:08:30
16 around, running around the outside of the station. 15:08:33
17 Is that part of your physical fitness training? 15:08:37

18 A Yes. 15:08:39

19 Q And is that something that you engage in 15:08:39
20 on a daily basis or a shift basis? 15:08:42

21 A Shift basis, yes. 15:08:44

22 Q And how many hours per shift do you spend 15:08:46

286

1 engaged in physical fitness? 15:08:48

2 A Usually averages an hour and a half a 15:08:49
3 day, hour and a half to two hours per day. 15:08:53

4 Q And you're doing that physical fitness. 15:08:55
5 Correct? 15:08:58

6 A Everybody is doing it. 15:08:58

7 Q And this is going to sound silly, but is 15:09:02
8 it like an aerobics class or does everybody do 15:09:04
9 their own thing? 15:09:08

10 A Everybody does their own thing. Some of 15:09:09
11 us try to do CrossFit-type exercise, some people do 15:09:12
12 treadmill, some people run. 15:09:15

13 Q Okay. And how much time can you estimate 15:09:21
14 that you spend in a month's worth of shifts 15:09:23
15 reporting disciplinary infractions up the chain of 15:09:30
16 command? 15:09:31

17 A Half hour, if that, depending on the 15:09:31
18 number. 15:09:39

19 Q What do you consider to be your most 15:09:39
20 important job duty as a Captain I in operations? 15:09:49

21 A Ensuring the safety of the community by 15:09:52
22 responding to the emergencies, and then also 15:09:56

287

1 ensuring that the crew can -- you know, is trained 15:10:00

2 and well equipped to respond on the emergencies. 15:10:03

3 Q And are you assigned to an apparatus? 15:10:07

4 You talked a little bit about it earlier today. 15:10:10

5 A Typically, I'm assigned to Engine 436, 15:10:13

6 but I can ride all three and have rode all three in 15:10:16

7 my time at Station 436. 15:10:20

8 Q And let's -- in this hypothetical, let's 15:10:22

9 say you're assigned to Engine 436 for the day. 15:10:27

10 Does that unit, if you're assigned to 436, let's 15:10:32

11 say tomorrow, and that unit gets called out, do you 15:10:36

12 go on every single call that that unit is called? 15:10:40

13 A I do. 15:10:43

14 Q And do you go with the lieutenant -- is 15:10:43

15 it a lieutenant that's on with you? I don't 15:10:47

16 believe so. It's a driver? 15:10:51

17 A Yeah, a driver and two firefighters or a 15:10:53

18 driver, a paramedic, and a firefighter. 15:10:55

19 Q And do you spend the same amount of time 15:10:56

20 on calls as those three individuals? 15:10:58

21 A I do. 15:11:01

22 Q And what do you do when you respond to an 15:11:02

288

1 emergency call when you're riding on Engine 436? 15:11:06

2 MS. REWARI: Object to form. Vague. 15:11:10

3 A Whatever needs to be done, whether it's 15:11:12

4 giving people direction, getting involved in 15:11:15

5 patient care, putting out a fire, throwing a 15:11:17

6 ladder, pulling hose lines. 15:11:21

7 Q And how often on a shift are you involved 15:11:24

8 in patient care? 15:11:29

9 A Time period involved with -- 15:11:30

10 Q How many times, if you can estimate? 15:11:35

11 A Probably average four, five, six calls a 15:11:37

12 day that are medically related. 15:11:42

13 Q And do you participate in patient care on 15:11:44

14 every call to which you're dispatched? 15:11:48

15 A I do. I do. I'm one of the paramedics. 15:11:49

16 Q And is that something you're required to 15:11:51

17 do? 15:11:53

18 A As? 15:11:54

19 Q As a paramedic? 15:11:55

20 A Yes. 15:11:56

21 Q And when you're functioning on that unit, 15:11:56

22 you're functioning on the unit as a Captain I and a 15:12:03

289

1	paramedic. Is that correct?	15:12:06
2	A Correct.	15:12:07
3	Q You referenced a report about response	15:12:07
4	times.	15:12:14
5	A Uh-huh.	15:12:15
6	Q Would that be called turnout times?	15:12:15
7	A Yes.	15:12:18
8	Q Is that an accurate way --	15:12:18
9	A Yes.	15:12:20
10	Q -- to refer to that?	15:12:20
11	Does the fire department have an	15:12:22
12	expectation about turnout times?	15:12:24
13	A A minute and a half.	15:12:25
14	Q And is that true for everyone, including	15:12:27
15	those units that have a Captain I or II assigned to	15:12:31
16	them?	15:12:34
17	A Yes.	15:12:34
18	Q We talked a lot generally, and I think	15:12:35
19	you've cleared it up, but just in case you haven't,	15:12:41
20	about officers. There are a lot of documents that	15:12:45
21	referred to officers. At the station level, what	15:12:47
22	ranks are considered officers?	15:12:50

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

-----x

GERARD MORRISON, et al., :

Plaintiffs, : Civ. Action No.

v. : 1:14cv5 (CMH/JFA)

COUNTY OF FAIRFAX, VA., :

Defendant. :

-----x

Videotaped Deposition of JOHN L. WALSER

McLean, Virginia

Monday, June 2, 2014

3:57 p.m.

Job No.: 59784

Pages: 1 - 160

Reported by: Theresa R. Hollister, CCR

3274
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

22

1	signed it?	16:12:10
2	A I did.	16:12:11
3	Q Did you draft this document?	16:12:11
4	A I did not.	16:12:13
5	Q Do you recall whether, after a draft was	16:12:14
6	presented to you, making any changes or revisions?	16:12:16
7	A I do not.	16:12:19
8	Q Turn, please -- I have a number of questions	16:12:20
9	throughout this document, Captain. Let's turn, please,	16:12:27
10	to page 7. If you look at interrogatory number 6, you	16:12:38
11	will see that it is asking for, in essence, I'm	16:12:49
12	paraphrasing, a chronology of jobs that you've had since	16:12:51
13	November of 2008. Do you see that?	16:12:56
14	A Yes.	16:12:58
15	Q And then let's go all the way to the bottom	16:12:58
16	of the page, the very last paragraph that begins with the	16:13:02
17	language, "From 2010 to 2011."	16:13:04
18	You go on to say there, "Plaintiff held a	16:13:07
19	position of Safety 402 Captain I." Do you see that?	16:13:10
20	A Yes.	16:13:15
21	Q What is that position? What are the duties	16:13:15
22	and responsibilities of that position? What were they	16:13:18

3275
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

23

1 when you held them?

16:13:20

2 A Safety officer, was to respond to emergency
3 incidents and provide advice to the incident commander,
4 based on applicable laws, standards, department policy.

16:13:21

16:13:26

16:13:30

5 Q What --

16:13:39

6 A We --

16:13:39

7 Q Go ahead.

16:13:40

8 A We also provided advice for exposure, that
9 our members suffered.

16:13:41

16:13:45

10 Q By exposure, do you mean to smoke or other
11 things?

16:13:48

16:13:52

12 A More biological hazards, so medical
13 exposures, those types of things.

16:13:52

16:13:58

14 Q What does the number 402 mean?

16:13:59

15 A That was the -- there's two safety officers,
16 so there was a 401 and a 402. So at the time I was 402.

16:14:02

16:14:05

17 Q What's the difference, if any, between 401
18 and 402?

16:14:10

16:14:12

19 A That was the designator for which half of the
20 county we would respond to typically.

16:14:14

16:14:16

21 Q Then you've anticipated one of my questions.

16:14:19

22 If you see in the second sentence of that same paragraph,

16:14:21

3276
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

75

1	a Captain II?	17:26:20
2	A Correct.	17:26:21
3	Q I'm sorry, I said, I said Chantilly. I meant	17:26:21
4	Centreville.	17:26:26
5	Did you have a session with him to administer	17:26:28
6	the oral reprimand?	17:26:30
7	A Yes.	17:26:32
8	Q Did you recommend the oral reprimand up the	17:26:32
9	chain of command?	17:26:39
10	A I told my supervisor that the employee was	17:26:40
11	late for work. He told me to check his personnel jacket.	17:26:45
12	And I told, told him that he had no violations within a	17:26:50
13	year. And he told me to make it an oral reprimand.	17:26:54
14	Q Did you recommend an oral reprimand?	17:26:58
15	A No, he told me to, to make it an oral	17:27:01
16	reprimand.	17:27:04
17	Q So when you took it up to your supervisor,	17:27:04
18	what would you have said to him?	17:27:07
19	A That Mike was late for work.	17:27:09
20	Q Let's just stick with Mike. We're going	17:27:12
21	to --	17:27:12
22	A That's all I was going --	17:27:12

3277
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

81

1 EMS supervisor, who was part of the battalion management 17:32:16
2 team, and -- because he was at work that day. And then 17:32:20
3 it was reported to the battalion chief when he got back 17:32:24
4 to work. 17:32:27

5 Q But, in those conversations, did you make a 17:32:29
6 recommendation for a written reprimand? 17:32:31

7 A No. 17:32:33

8 Q What was the origin of that? 17:32:34

9 A I recommended leave without pay and they did 17:32:36
10 not follow it. 17:32:40

11 Q Which is more serious? 17:32:41

12 A Leave without pay. 17:32:43

13 Q Was it explained to you why your 17:32:44
14 recommendation was rejected? 17:32:55

15 A I don't remember the reason. 17:32:57

16 Q But, in any event, you then sat down with the 17:33:05
17 technician and delivered the written reprimand? 17:33:11

18 A Yes. 17:33:14

19 Q And so you actually handed him the piece of 17:33:14
20 paper, this memo, but not in draft form, and then that 17:33:17
21 went in his file? 17:33:21

22 A I believe it was this copy. It did -- I did 17:33:22

3278
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

125

1	EXAMINATION BY COUNSEL FOR THE PLAINTIFFS	18:37:44
2	BY MS. FAULMAN:	18:37:46
3	Q All right, Captain, we'll follow the same	18:37:46
4	ground rules as during the direct examination portion of	18:37:49
5	your deposition. Listen, until I finish a question,	18:37:52
6	before you start your answer. Okay?	18:37:56
7	A Okay.	18:37:57
8	Q Now, you testified that you were a Safety	18:37:58
9	Officer I in 2001 -- sorry -- 2010 to 2011, correct?	18:38:00
10	A Yes.	18:38:07
11	Q And you testified that you engaged in PT	18:38:07
12	daily, correct?	18:38:10
13	A Yes.	18:38:11
14	Q And how much time was that per day?	18:38:11
15	A Roughly an hour and a half.	18:38:13
16	Q And you also testified that as a Safety	18:38:21
17	Officer I you would provide guidance to various members	18:38:24
18	of the response team; is that correct?	18:38:31
19	A Yes.	18:38:32
20	Q And what was that guidance based on?	18:38:33
21	A Based on applicable laws, standards,	18:38:37
22	department policy.	18:38:40

3279
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

126

1	Q	And as a Captain I Safety Officer, who did	18:38:42
2		you supervise?	18:38:46
3	A	I did not supervise anybody.	18:38:47
4	Q	So I'm just a little confused about	18:38:49
5		something. If I could have you take a look at 231A.	18:38:53
6	A	Okay.	18:39:16
7	Q	This is a performance evaluation from your	18:39:18
8		time, it looks like, as a Safety Officer Captain I,	18:39:22
9		correct?	18:39:26
10	A	Yes.	18:39:26
11	Q	And if you switch to section B, which is on	18:39:26
12		page 4, I believe it's page 4 -- oh, I'm sorry. It	18:39:30
13		starts page 3 -- nope 4.	18:39:43
14	A	No, 4.	18:39:45
15	Q	Are you there?	18:39:47
16	A	Yes.	18:39:48
17	Q	This is filled out, this section. And it	18:39:48
18		says, "Don't complete this section if the employee does	18:39:51
19		not supervise others," correct?	18:39:54
20	A	That is correct.	18:39:56
21	Q	Do you know why this section was filled out?	18:39:56
22	A	I do not.	18:39:58

3280
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

127

1	Q	But you were not supervising anybody as a	18:39:59
2		Captain I Safety Officer?	18:40:02
3	A	That is correct.	18:40:04
4	Q	Now, we looked at a few of your resumes	18:40:04
5		during your deposition; do you recall doing that?	18:40:10
6	A	Yes.	18:40:12
7	Q	Do you include every single aspect of your	18:40:13
8		previous and current positions in your resumes?	18:40:17
9	A	I try to capture the highlights.	18:40:23
10	Q	But you don't include -- or do you include	18:40:26
11		everything that you do on those jobs?	18:40:28
12	A	No, I, I just get the high level points.	18:40:30
13	Q	As a Safety Officer I, did you have the	18:40:34
14		discretion to choose which calls to respond to?	18:40:41
15	A	No.	18:40:44
16	Q	And what about as a Safety Officer II?	18:40:46
17	A	No.	18:40:48
18	Q	As a Safety Officer I or II, and just for	18:40:49
19		sake of brevity, if one is different than the other in	18:41:01
20		these questions, please let me know --	18:41:04
21	A	Okay.	18:41:07
22	Q	-- okay? Do you have the authority to	18:41:07

VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

128

1	assign overtime to an off-duty firefighter?	18:41:08
2	A No, for either.	18:41:11
3	Q Do you have the authority to approve leave?	18:41:13
4	A No, for both.	18:41:16
5	Q Do you have the authority to set minimum	18:41:17
6	staffing levels?	18:41:19
7	A No.	18:41:20
8	Q And do you prepare budget requests as a	18:41:21
9	safety officer?	18:41:31
10	A No.	18:41:32
11	Q Do you review or update station policies as a	18:41:32
12	safety officer?	18:41:38
13	A No.	18:41:39
14	Q Do you participate in training as a safety	18:41:40
15	officer?	18:41:44
16	A Yes.	18:41:45
17	Q And what kind of training do you participate	18:41:45
18	in?	18:41:48
19	A I participate in shift level training. I	18:41:48
20	participate in department mandated training, so OARs.	18:41:52
21	They call them regional training rotations now, so I, I	18:41:57
22	participate in, in the things that are on the master	18:42:00

VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

129

1	calendar for my respective area.	18:42:03
2	Q And can you estimate for me how many hours	18:42:06
3	per shift you spend participating in training?	18:42:08
4	A Average, one to two hours a day.	18:42:11
5	Q As a Safety Officer I, could you issue	18:42:13
6	discipline to anyone?	18:42:19
7	A Technically, I could, but I did not issue any	18:42:22
8	discipline when I was a Captain I.	18:42:25
9	Q Captain I Safety Officer?	18:42:28
10	A I could request that it be done, but I, I did	18:42:29
11	not request any.	18:42:34
12	Q And is that authority to request, is that	18:42:35
13	pursuant to the general orders?	18:42:38
14	A Standard operating procedures.	18:42:40
15	Q And who all can request that?	18:42:43
16	A Any officer could request through their chain	18:42:45
17	of command.	18:42:48
18	Q And that would include lieutenants?	18:42:48
19	A Yes.	18:42:51
20	Q As a safety officer, what is your most	18:42:51
21	important job duty?	18:42:57
22	A Responding to --	18:42:58

3283
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

130

1	MR. POWELL: Objection. Form.	18:43:00
2	BY MS. FAULMAN:	18:43:02
3	Q You can answer.	18:43:02
4	A Responding to emergency incidents.	18:43:03
5	Q And what do you do on a -- do you respond to	18:43:06
6	fire scenes, as a safety officer?	18:43:09
7	A Yes.	18:43:11
8	Q And what do you do on a fire scene?	18:43:11
9	A So I get dressed in PP, in my clothing,	18:43:13
10	protective clothing, to include SCBA. And I have tools	18:43:17
11	to take to monitor atmosphere, thermal imaging camera,	18:43:23
12	and electrical meter to determine hazards from electrical	18:43:30
13	wires.	18:43:39
14	Q Do you wear -- are you also dispatched to	18:43:39
15	emergency responses, like accidents, et cetera, as a	18:43:41
16	safety officer?	18:43:43
17	A The more serious accidents, yes, collapses,	18:43:44
18	building collapses, hazmats, technical rescue incidents.	18:43:50
19	Q Do you bring with you that same gear that you	18:43:54
20	just described?	18:43:57
21	A It would be tailored to the incident. I may	18:43:59
22	not bring a thermal imaging camera to a vehicle accident,	18:43:26

3284
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

131

1 for instance, but I would bring the electrical meter to a 18:43:26
2 vehicle accident potentially, if it involved a 18:43:26
3 transformer or wires, wires down. 18:44:09
4 Q And if you are dispatched as a safety 18:44:11
5 officer, are you permitted to complete whatever task 18:44:13
6 you're performing or do you have to go as soon as you're 18:44:18
7 dispatched? 18:44:21
8 A I go as soon as I'm dispatched. 18:44:22
9 Q Is there a requirement? 18:44:25
10 A I believe the standard is 90 seconds that we 18:44:26
11 are to respond. That is any unit that is expected to 18:44:29
12 respond in 90 seconds. 18:44:33
13 Q As a -- and this is going back a little bit. 18:44:34
14 As a safety officer, do you have a fire department credit 18:44:45
15 card? 18:44:50
16 A No. 18:44:50
17 Q Do you have any purchasing authority? 18:44:50
18 A No. 18:44:52
19 Q Has anyone from -- and you took a look at a, 18:44:53
20 a document that had some percentages next to it, next to 18:44:57
21 certain tasks. Has anyone from human resources ever 18:45:01
22 asked you what percentage of your time you spend on 18:45:05

VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

132

1	certain tasks?	18:45:09
2	A No.	18:45:11
3	Q I'm going to turn to your time as a Captain	18:45:11
4	II. And some of these questions will be the same.	18:45:26
5	Do you have any authority as a Captain II to	18:45:30
6	assign overtime to off-duty firefighters?	18:45:32
7	A No.	18:45:35
8	Q Do you have the authority to approve leave?	18:45:36
9	A No.	18:45:38
10	Q Do you have the authority or do you set	18:45:38
11	minimum staffing levels?	18:45:41
12	A No.	18:45:44
13	Q Now, you mentioned performance appraisals.	18:45:45
14	You testified about those, correct?	18:45:48
15	A Yes.	18:45:49
16	Q And at Tyson station, you had lieutenants	18:45:49
17	assigned to your station, correct?	18:45:52
18	A Yes.	18:45:54
19	Q And did the lieutenants at Tysons sit down	18:45:54
20	with the individuals they did the performance evaluations	18:45:58
21	for to discuss them with them?	18:46:02
22	A Yes.	18:46:04

3286
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

133

1	Q	And that's similar to the process that you	18:46:04
2		did with the lieutenants?	18:46:06
3	A	Yes.	18:46:07
4	Q	How much time did you spend doing performance	18:46:08
5		appraisals in any given year?	18:46:11
6	A	In a year, about an hour per person.	18:46:14
7	Q	And you testified that you would pass along	18:46:16
8		informal training and guidance on a daily basis.	18:46:21
9	A	Yes.	18:46:21
10	Q	Do you recall that?	18:46:24
11	A	Yes, yes.	18:46:25
12	Q	Would you expect the lieutenants to do that	18:46:26
13		as well?	18:46:28
14	A	Yes.	18:46:29
15	Q	And what about senior firefighters?	18:46:29
16	A	Yes.	18:46:31
17	Q	And technicians?	18:46:31
18	A	Yes.	18:46:33
19	Q	And you also testified that you would tell	18:46:33
20		people if they were not performing as per standards or	18:46:36
21		standard operating procedures during the course of a	18:46:41
22		shift; do you --	18:46:44

3287
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

134

1	A	Yes.	18:46:45
2	Q	-- recall that?	18:46:45
3		Are you the only individual at a station who	18:46:46
4		should -- has the responsibility for doing that?	18:46:48
5	A	No.	18:46:51
6	Q	Who else would have that responsibility?	18:46:51
7	A	Any officer. And like you said, any -- the	18:46:53
8		technicians, the senior firefighters, they all would be	18:46:56
9		able to provide input to any employee.	18:46:59
10	Q	And how much time, as a Captain II did you	18:47:02
11		spend -- did you do any budgeting as a Captain II?	18:47:06
12	A	No.	18:47:11
13	Q	You testified about the station manual and	18:47:12
14		you took a look at, and you took a look at one, which is	18:47:17
15		Exhibit 237.	18:47:20
16	A	Okay.	18:47:33
17	Q	Did you draft this entire manual as the	18:47:34
18		Captain II at Station 29?	18:47:39
19	A	No.	18:47:41
20	Q	And, approximately, how long did it take you	18:47:41
21		to update the manual?	18:47:47
22	A	To update it for the content for Station 29?	18:47:49

3288
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

135

1	Q	Correct.	18:47:54
2	A	I took it from my previous assignment at 17,	18:47:54
3		so to make it facility-dependent, maybe four or five	18:47:59
4		hours.	18:48:02
5	Q	And did you draft the entire thing when it	18:48:03
6		was the station manual at Station 17?	18:48:07
7	A	No, I, I got it from pieces and parts of	18:48:08
8		other manuals that -- places that I had worked.	18:48:11
9	Q	And you stated that the SOPs drove or you	18:48:15
10		testified that the SOPs drove what goes into a station	18:48:19
11		manual, correct?	18:48:22
12	A	In large measure, yes.	18:48:23
13	Q	And who is -- who all is responsible for	18:48:25
14		ensuring that individuals follow the station manual?	18:48:28
15	A	All officers that would be at that station.	18:48:30
16	Q	And would that include lieutenants?	18:48:33
17	A	Yes.	18:48:35
18	Q	As a Captain II, did you engage in physical	18:48:36
19		fitness activities?	18:48:44
20	A	Yes.	18:48:46
21	Q	On a shift, shift-by-shift basis?	18:48:46
22	A	On a -- yes, when I would work a shift, I	18:48:50

3289
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

136

1 would participate in PT.

18:48:53

2 Q And, approximately, how much time did you
3 spend in participating in PT each shift?

18:48:55

18:48:58

4 A About an hour and a half.

18:49:01

5 Q And you also -- we've talked about training
6 and we talked about with respect to when you were a
7 safety officer. And here, as a Captain II, were you
8 still required to participate in training?

18:49:02

18:49:05

18:49:08

18:49:11

9 A Yes.

18:49:13

10 Q What types of training?

18:49:14

11 A Again, same, same types of training. It
12 would be shift level training, department mandated
13 training, training that's listed on the master calendar
14 that's in my respective area, the regional training
15 rotations.

18:49:15

18:49:18

18:49:21

18:49:24

18:49:28

16 Q And who led all those training sessions?

18:49:29

17 A It's -- varies. It could be a shift leader,
18 it could be a unit officer, it could be the training
19 academy staff that delivers it.

18:49:32

18:49:36

18:49:40

20 Q If the unit officer were leading it, what
21 would your -- what would you be doing as a Captain II?

18:49:41

18:49:44

22 A Participating in the training, adding input

18:49:44

3290
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

142

1	We have billions of documents from you, so.	18:55:40
2	MS. KILLALEA: It's in the first production	18:55:44
3	in response to number 1, I believe.	18:55:46
4	BY MS. FAULMAN:	18:56:06
5	Q And there was also a battalion chief who was	18:56:06
6	on this team, correct, that was the team leader?	18:56:08
7	A Yes.	18:56:09
8	Q Now, you talked about the candidate committee	18:56:10
9	that you were on for Captain II.	18:56:22
10	A Yes.	18:56:25
11	Q Promotional committee.	18:56:25
12	A Yes.	18:56:27
13	Q Can you tell me what that was called again?	18:56:27
14	A Captain II promotional exam.	18:56:30
15	Q Thank you. Were there a total of three	18:56:34
16	portions on that test?	18:56:37
17	A Yes.	18:56:39
18	Q I just want to make sure I understand it. So	18:56:39
19	can you name those three for me, again, please?	18:56:42
20	A It was the incident role play.	18:56:44
21	Q Uh-huh.	18:56:46
22	A The oral board exercise. And the in-basket.	18:56:47

VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

143

1 Q And so out of those three portions, how many 18:56:50
2 involved operations? 18:56:54

3 A Two of those. 18:56:55

4 Q And do you know what the most -- if you know, 18:56:57
5 what the most important part of the Captain II 18:57:00
6 promotional examination is? 18:57:04

7 A I believe the weighting that was afforded to 18:57:06
8 the test, the incident role play had the greatest weight. 18:57:09

9 Q Do you know if their -- if an individual 18:57:13
10 fails the incident, tactical incident portion, are they 18:57:16
11 permitted to continue with the promotional process? 18:57:20

12 MR. POWELL: Objection. Foundation. 18:57:24

13 BY MS. FAULMAN: 18:57:25

14 Q Do you know? 18:57:25

15 A I do know that the information was put out if 18:57:26
16 the person fails the -- or the incident role play, they 18:57:29
17 will not move on to the rest of the test. 18:57:33

18 Q As a Captain II, you testified about some 18:57:35
19 disciplinary involvement. Are you permitted to issue 18:57:43
20 discipline without sending it up the chain of command? 18:57:49

21 A No. 18:57:56

22 Q And we looked -- if you can look at Exhibit 18:57:57

3292
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

144

1	234 --	18:58:01
2	A Which one is that?	18:58:17
3	Q It's the oral reprimand part.	18:58:18
4	A I think I've gotten out of order here.	18:58:22
5	Q And you may recall without looking at the	18:58:25
6	document. Do you recall if you made the final decision	18:58:28
7	about what discipline to issue?	18:58:30
8	A No, I did not make the final decision.	18:58:30
9	Q Okay. You don't have to look for it anymore	18:58:33
10	then.	18:58:36
11	A Okay.	18:58:36
12	Q And we talked -- you talked about templates,	18:58:37
13	that there are templates on the intranet?	18:58:39
14	A Yes.	18:58:41
15	Q Who can fill out those template memos and	18:58:41
16	forward them up the chain of command?	18:58:45
17	A Any officer.	18:58:46
18	Q And that would include a lieutenant?	18:58:47
19	A Yes.	18:58:49
20	Q And how much time, since January 2011, have	18:58:49
21	you spent reporting violations of rules up the chain of	18:59:01
22	command?	18:59:05

VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

145

1	A	Very little.	18:59:06
2	Q	And you testified that, as a Captain II, you	18:59:08
3		did not decide the result of an employee's grievance at	18:59:17
4		the first step; is that correct?	18:59:22
5	A	Correct.	18:59:23
6	Q	And so who -- who made that decision or who	18:59:24
7		makes that decision?	18:59:27
8	A	My understanding is I presented it to the --	18:59:27
9		well, I did present it to the battalion chief. And then	18:59:29
10		my understanding is the battalion chief discusses it with	18:59:31
11		the deputy chief and then provides me an answer.	18:59:35
12	Q	And then do you -- what do you do with that	18:59:38
13		answer?	18:59:41
14	A	Then I take it back to the employee and let	18:59:41
15		them know.	18:59:44
16	Q	And, as a Captain II, do you directly	18:59:44
17		supervise the employees on the other two shifts?	18:59:47
18	A	No. As my, my current --	18:59:49
19	Q	I'm sorry, as a Captain II in the fire	18:59:52
20		station, not as a safety officer.	18:59:55
21	A	I do not directly supervise the other two	18:59:57
22		shifts, no.	18:59:59

3294
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

146

1	Q	And what do you consider to be the most	19:00:00
2		important job duty of the Captain II station commander?	19:00:02
3	A	Running emergency incidents.	19:00:08
4	Q	And what do you, as a Captain II station	19:00:10
5		commander, what do you do on fire and emergency scenes?	19:00:14
6	A	Participate with the mitigation of the	19:00:17
7		emergency, whatever it, it may be. Getting on scene.	19:00:20
8		Making a size-up, presenting that information on the	19:00:24
9		radio. Forcing entry to allow the hose line to advance.	19:00:29
10		Assisting with the advancement of the hose line,	19:00:35
11		potentially the raising ladders. Basically, any, any of	19:00:38
12		the activities that would be involved with mitigating the	19:00:43
13		incident.	19:00:48
14	Q	And, as a safety officer, have you witnessed	19:00:48
15		other captains performing those activities at fire	19:00:53
16		scenes?	19:00:56
17	A	Yes.	19:00:57
18	Q	As a Captain II, shift commander, what	19:00:57
19		apparatus were you generally assigned to?	19:01:01
20	A	Engine. I was an engine officer.	19:01:03
21	Q	And did the engine respond to calls without	19:01:06
22		you on it if it was your shift?	19:01:08

3295
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

147

1	A	No. If I was working, I was on the rig.	19:01:10
2	Q	And so would you go to the same number of	19:01:13
3		calls as the other members of the crew that worked on	19:01:15
4		the -- were assigned to the engine?	19:01:19
5	A	Yes.	19:01:20
6	Q	Were you required to respond when the tone	19:01:20
7		rings?	19:01:24
8	A	Yes.	19:01:24
9	Q	And what if you were doing a performance	19:01:25
10		evaluation?	19:01:28
11	A	I would immediately respond.	19:01:29
12	Q	And what if you were sending an e-mail?	19:01:30
13	A	Same thing, immediately respond.	19:01:33
14	Q	And if you were doing physical fitness?	19:01:35
15	A	Immediately respond.	19:01:37
16	Q	And training?	19:01:38
17	A	Same thing, immediately respond.	19:01:39
18	Q	We looked at a number of what were called	19:01:42
19		miscellaneous documents. And one of them was about an	19:01:47
20		employee who was assigned to light duty; do you recall?	19:01:53
21	A	Yes.	19:01:56
22	Q	Did you make that assignment?	19:01:57

VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

151

1	of actions?	19:05:13
2	A Same thing.	19:05:13
3	Q You took a look at a few performance	19:05:14
4	evaluations from when you were a Fire Captain II, and you	19:05:35
5	were asked to look at three or four strengths that were	19:05:39
6	listed for you. Do you recall that?	19:05:42
7	A Yes, I recall looking at the strengths.	19:05:44
8	Q Are those your only strengths as a fire	19:05:46
9	Captain II, the ones listed there?	19:05:49
10	A I would hope not.	19:05:51
11	Q And I just have one -- I believe one final	19:06:03
12	question. When you -- can you look at Exhibit 236.	19:06:07
13	A Which one is that?	19:06:18
14	Q It is the Proposed Suspension Without Pay	19:06:20
15	memo.	19:06:24
16	A Okay. From December 21, okay, yeah.	19:06:25
17	Q Who decided that this employee should receive	19:06:29
18	a suspension without pay?	19:06:33
19	A I reported it to the battalion chief and	19:06:35
20	submitted it to him, so I believe it was him. I don't	19:06:39
21	know if he discussed it with his superior.	19:06:42
22	Q Did you request that he be issued a	19:06:46

VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

152

1	suspension without pay?	19:06:50
2	A No, I just told the battalion chief how many	19:06:51
3	other reprimands he had in his jacket.	19:06:54
4	MS. FAULMAN: If I can take about two	19:07:05
5	minutes.	19:07:09
6	THE VIDEOGRAPHER: Going off the record the	19:07:09
7	time is 1907.	19:07:12
8	(Break taken.)	19:12:48
9	THE VIDEOGRAPHER: Back on the record the	19:12:48
10	time is 1912.	19:12:52
11	FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANT	19:12:52
12	BY MR. POWELL:	19:12:56
13	Q Captain, I think we're almost done. Just a	19:12:56
14	couple of areas.	19:12:56
15	MS. FAULMAN: I do have no further questions	19:12:58
16	by the way.	19:13:00
17	MR. POWELL: Oh, I'm sorry.	19:13:00
18	MS. FAULMAN: Just so we're clear.	19:13:01
19	MR. POWELL: I apologize. I didn't mean to	19:13:03
20	step on your last line.	19:13:03
21	MS. FAULMAN: It's all right.	19:13:03
22	BY MR. POWELL:	19:13:09

VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

153

1	Q	Do you still have Exhibit 236 handy --	19:13:09
2	A	Yes.	19:13:12
3	Q	-- it was a Proposed Suspension Without Pay?	19:13:12
4	A	Yes.	19:13:15
5	Q	Did I understand you to say in response to	19:13:16
6		your lawyer's questioning at the end there that you did	19:13:17
7		not make a recommendation in that regard?	19:13:20
8	A	I presented the information to the battalion	19:13:22
9		chief.	19:13:25
10	Q	And if you look at the top of page 2, doesn't	19:13:25
11		the first clause say, "if my recommendation for this	19:13:29
12		suspension is approved"? I read that properly?	19:13:32
13	A	Yes.	19:13:36
14	Q	So you're reporting in this, in this	19:13:36
15		memorandum, are you not, that you actually are making a	19:13:40
16		recommendation for suspension?	19:13:44
17	A	I used the template that was provided to me.	19:13:45
18	Q	And is it -- but you submitted this, did you	19:13:48
19		not?	19:13:49
20	A	I did.	19:13:50
21	Q	So you didn't disagree with the template, the	19:13:50
22		language of the template?	19:13:53

3299
VIDEOTAPED DEPOSITION OF JOHN L. WALSER
CONDUCTED ON MONDAY, JUNE 2, 2014

154

1	A	Correct.	19:13:55
2	Q	You had some testimony in response to your	19:13:56
3		lawyer's question about the grievance process. Do you	19:13:58
4		recall that?	19:14:02
5	A	Yes.	19:14:02
6	Q	The grievance process is set by the County;	19:14:03
7		is it not?	19:14:05
8	A	Yes.	19:14:06
9	Q	And there is department SOP on that, right?	19:14:06
10	A	Yes.	19:14:09
11	Q	Everybody has to follow it, right?	19:14:09
12	A	Yes.	19:14:12
13	Q	Finally, Captain, you said that both, as a	19:14:12
14		safety officer and as a Captain II, your most important	19:14:16
15		job was to respond to incidents, correct?	19:14:20
16	A	Yes.	19:14:22
17	Q	In order to do that effectively, you have to	19:14:22
18		do quite a bit of other things, do you not?	19:14:26
19	A	Yes.	19:14:29
20	Q	You have to -- you have to show up in the	19:14:29
21		morning every day for work and be ready --	19:14:31
22	A	Yes.	19:14:34

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division
Case No. 1:14 cv 5

- - - - - x
Gerard Morrison, et al :
Plaintiff, :
vs. :
County of Fairfax, VA, :
Defendant. :
:
- - - - - x

30(b)(6) DEPOSITION OF SUSAN ELLEN WOODRUFF
McLean, Virginia
Thursday, May 15, 2014
9:30 a.m.

Job No. 1-248559

Pages: 1 - 242

Reported by: Thomas S. Hubbard, Jr.

1 beyond the FLSA threshold?

2 A I do.

3 Q You would agree that since at least
4 January 2011, and prior, the fire captains have
5 not received Fair Labor Standards Act overtime pay
6 for hours worked beyond FLSA threshold?

7 A That is correct.

8 Q Would you also agree that lieutenants
9 have received FLSA overtime pay for hours of work
10 beyond the FLSA overtime threshold?

11 A I would agree.

12 Q Would you agree that the work period
13 used to determine the FLSA threshold for the
14 lieutenants is a 28-day work period?

15 A I agree with that, yes.

16 Q Would you agree that the lieutenants who
17 get their overtime pay receive overtime pay for
18 all hours, time and a half their regular rate of
19 pay for all hours above 212 hours in 28 day work
20 period?

21 A Yes.

22 MS. PASCHAL: Objection to form.

23 BY MS. ELKIN:

24 Q You sat here yesterday and you agree
25 that the County's policy since at least 2001 has

1 been to include all hours of leave except for
2 leave without pay for purposes of calculating the
3 lieutenants overtime pay?

4 A Yes.

5 Q We didn't talk about fire fighters
6 yesterday, but below the rank of lieutenant, the
7 fire fighters, the fire technicians, their
8 overtime pay is calculated the same way that the
9 lieutenants overtime pay is calculated, correct?

10 A Yes.

11 Q For purposes of this deposition, I will
12 be talking about the captains and you can just
13 assume that I am talking about all four category
14 of captains covered by this lawsuit unless I say
15 otherwise.

16 A Yes.

17 Q You would agree that the captains are
18 paid straight time pay for their regularly
19 scheduled hours above 212 in a 28-day period?

20 MS. PASCHAL: Objection to form.

21 THE WITNESS: Yes.

22 BY MS. ELKIN:

23 Q And if they worked hours in excess of
24 their regularly scheduled hours, they are paid
25 either straight time pay or hour for hour comp

1 time pay, is that correct?

2 A Yes.

3 Q Would you agree that the captains are
4 paid on a salary basis?

5 A Yes.

6 Q And that salary is divided by 26-pay
7 periods to determine their base pay each pay
8 period?

9 A Yes.

10 MS. ELKIN: Go to Plaintiff's Exhibit

11 10. It should all be in order.

12 THE WITNESS: 14A?

13 MS. ELKIN: Yes.

14 BY MS. ELKIN:

15 Q You testified earlier that you reviewed
16 some personnel documents. Was this one of the
17 ones that you reviewed to prepare for today?

18 A Actually, I glanced at it, but I did not
19 review in detail.

20 Q I will direct your attention to the
21 pages that I am interested in, but if you need
22 more time to review it, just let me know.

23 A Yes.

24 Q If you would turn to page 3382 which
25 talks about level pay process. Do you see that?

1 MS. ELKIN: Don't pay attention to the
2 back of that page as it was copied front to
3 back. Do you see 22-85, which is the next
4 page? Oh, yours is not front to back.

5 That's fine.

6 BY MS. ELKIN:

7 Q Paragraph 3 says, "All other Fire and
8 Rescue Department employees shall be treated as
9 described in personnel regulations Chapter 4.15."
10 Do you know what the Chapter 4.15 of the
11 personnel regulations are?

12 A Yes.

13 Q Those are the overtime pay and hours of
14 work regulations?

15 A Yes.

16 Q I believe we went through them yesterday
17 a little bit.

18 A I believe so.

19 Q If you look at Exhibit 18, it says that
20 that document led us to 4.15 which is on page
21 3246. If you look in the middle of 4.151, it
22 talks about, "Overtime for FLSA eligible fire
23 protection personnel shall include all hours
24 worked or on paid leave in excess of 212 hours in
25 the 28-day work period," which is your

1 understanding of the policy as well?

2 A Yes.

3 Q But the captains are not FLSA eligible,
4 so where in this document is their work period
5 defined? If at all?

6 A The reference to exempt fire protection
7 personnel, there is at the end of Number 2, at the
8 top of page 3248, where it says, "All other fire
9 and rescue department employees shall be treated
10 as described in 4.15, 2A, B or C."

11 Q Which one would we look at for our
12 captains?

13 A B.

14 Q That says, "Straight pay eligible
15 employees shall at the discretion of the
16 department head or designee earn straight comp
17 time or be compensated at their hourly rate of pay
18 for all of time worked in excess of their
19 scheduled work hours."

20 Do you see anything in here that
21 describes how they are getting paid that would
22 establish a 28-day work period for them or any
23 work period for them?

24 A If you're getting straight pay beyond
25 your scheduled work hours. I guess I am

1 struggling with what difference the work period
2 would make because regardless of what my work
3 period is I am going to get straight pay for
4 anything beyond my scheduled hours.

5 Q That's fine. The only question I have
6 is: Is there anything in here that tells them
7 whether they are even subject to a work period?

8 MS. PASCHAL: Objection to form.

9 THE WITNESS: No.

10 BY MS. ELKIN:

11 Q If you will turn to document 9B.

12 MS. PASCHAL: Exhibit 9B?

13 MS. ELKIN: Yes.

14 THE WITNESS: I have it.

15 BY MS. ELKIN:

16 Q Turn to page 3216. It says sort of in
17 the bottom two thirds, there is "overtime FLSA"?

18 A Yes.

19 Q What are we looking at? Is this Chapter
20 2 of the personnel regulations?

21 A Yes.

22 Q Are you familiar with this Chapter 2 of
23 the personnel regulations based on your job
24 duties?

25 A In general, yes.

1 Q "Overtime FLSA," does this apply to
2 anybody who is covered by the FLSA within the
3 County?

4 A This description applies to all County
5 employees who are non-exempt.

6 Q Covered by the FLSA?

7 A Correct.

8 Q It does separate out fire fighters at
9 the end, "overtime for fire protection," do you
10 see that?

11 A Yes.

12 Q It says, "Overtime for fire protection
13 personnel shall be time worked on unpaid leave in
14 excess of 212 hours during his or her 28
15 consecutive day work period."

16 Do you agree that that applies only to
17 F22 lieutenants and below?

18 A Yes.

19 Q If you look at overtime pay, the next
20 provision, is that what applies to captains where
21 it says, "Overtime pay doesn't have the words FLSA
22 in it. Compensation paid to an employee for
23 overtime worked performed in accordance with these
24 rules, the rate of pay for overtime compensation
25 will be either one time for hourly rate or one and

1 MS. PASCHAL: Objection, calling for a
2 legal conclusion and is beyond the scope of
3 the 30(b)(6) topics for this witness.

4 THE WITNESS: Correct.

5 BY MS. ELKIN:

6 Q Other than some order that came out of
7 this lawsuit in 1992, and really, the question is,
8 are there any county documents and studies that
9 show, "I have gone through the job duties of a
10 Captain 2 Station Commander and they qualify for
11 the executive exemption and here is why."

12 Is there anything like that?

13 A No.

14 Q Going on to the Captain 1 Safety
15 Officer's position. It is my understanding that
16 the County has claimed an exemption for all of the
17 Captain 1s Safety Officers, is that correct?

18 A Yes.

19 Q What exemption?

20 A The combination of executive and
21 administrative.

22 Q Do the Captain 1s supervise any
23 employees, the Captain 1 Safety Officers?

24 A I don't believe so.

25 MS. PASCHAL: Objection, beyond the

1 BY MS. ELKIN:

2 Q You just said Station Commander. So
3 both a shift supervisor --

4 A I am sorry.

5 Q Well, I have used the wrong word. Would
6 your answer be the same, both Shift Supervisors
7 and Station Commanders, they are essentially
8 interchangeable from station to station, would you
9 agree with that?

10 A Yes.

11 MS. PASCHAL: Objection to form.

12 BY MS. ELKIN:

13 Q Would your answer be the same with
14 respect to the Safety Officers, they might ride
15 out of Station 24, but they could just as easily
16 be assigned to Station 36?

17 MS. PASCHAL: Objection to form.

18 THE WITNESS: To the best of my
19 knowledge.

20 BY MS. ELKIN:

21 Q That they would be the same?

22 A Yes.

23 MS. PASCHAL: Objection to the form.

24 BY MS. ELKIN:

25 Q Would your answer be the same. I asked

1 honestly cannot recall exactly the timing of
2 it, but it was on our radar screen already
3 because of the importance of it, and my guess
4 is that by the time we got this we had
5 already done our homework, if you will, and
6 made the decision that we did, but we are
7 still in compliance and we don't need to make
8 changes and that is what was shared with him.

9 BY MS. ELKIN:

10 Q So what did you do is your homework to
11 ensure that one of these new regulations came out
12 that said, "Fire fighters are not covered by
13 exemptions to the overtime provisions," what
14 exactly did you do to determine that your captains
15 were in fact still covered by the overtime
16 provisions?

17 MS. PASCHAL: Objection to form.
18 Misstates what the regulation states and is
19 also beyond the scope of the 30(b)(6) topics.

20 THE WITNESS: I think I have explained
21 what we did, but we did what we do with any
22 major change to a regulation, whether it is
23 family medical leave, or FLSA, or EEOC, we
24 review the actual bulletin or regulation.

25 We check our resources that we have

1 access to as Human Resource professionals,
2 and we check with our counterparts depending
3 on what the issue is, and certainly we check
4 with the Department to get their opinion as
5 to whether anything has changed with regard
6 to the job classes.

7 If we need to, we can consult with the
8 County Attorney's Office to get input, but in
9 this particular case, and I think I stated it
10 before, while we understand what the first
11 responder piece is saying, as I said before,
12 if you respond to a scene, as a technician or
13 lieutenant, or whomever, you are directing
14 something while you are there, that in and of
15 itself absolutely doesn't make you management
16 exempt and that I think is what that
17 provision meant.

18 We look to the executive exemption test
19 and that primary duty as management we
20 believe then and we still believe that that
21 is what applies to the captains.

22 BY MS. ELKIN:

23 Q But it doesn't apply to the lieutenants?
24 That is the County's position?

25 A Correct.

1 Q What is the difference between what the
2 lieutenants and the captains do on day-to-day
3 basis?

4 MS. PASCHAL: Objection, beyond the
5 scope the 30(b)(6) topics for this witness.
6 To the extent that she can respond from
7 personal knowledge she can answer from her
8 personal knowledge.

9 THE WITNESS: Yes, and I am not an
10 operations person, so I cannot really -- I
11 mean, I know that you have the Station
12 Commander who covers one shift and is
13 responsible overall for the station.

14 I know that you have a Shift Leader on
15 the other two shifts that is responsible and
16 the lieutenants there is a structure there,
17 but I can't tell you the differences between
18 the two.

19 BY MS. ELKIN:

20 Q You would agree that the Human Resources
21 Department never did any kind of study to
22 determine how, if at all, the lieutenant's primary
23 job duty was different from the Fire Captain's
24 primary job duty when this Department of Labor
25 regulation came out in 2004?

1 MS. PASCHAL: Objection, asked and
2 answered.

3 THE WITNESS: Yes, I believe the answer
4 to that is, no, that we didn't.

5 BY MS. ELKIN:

6 Q The questions comes from Deputy Chief
7 Kevin Kincaid. What training does he have in the
8 FLSA?

9 MS. PASCHAL: Objection, foundation.

10 THE WITNESS: I could not answer that.

11 BY MS. ELKIN:

12 Q Do you know what his job is as Deputy
13 Chief?

14 A He is retired now, but what his job then
15 was, it was Deputy Chief, and I believe he was
16 over the personnel and recruitment and those
17 aspects of the department.

18 Q But you're not aware of any particular
19 FLSA training that he had when he was the Deputy
20 Chief?

21 A No.

22 Q The response is, "Both the Department of
23 Human Resources and the County Attorney's Offices
24 have been contacted for a further review of the
25 changes to the FLSA.

1 authority to hire, fire or promote?

2 A In Fairfax County, and I would argue
3 probably in most local jurisdictions, the
4 appointing authority status was resides with the
5 director of the agency.

6 So while all of the work, the review,
7 the decisions, the recommendations, all of that
8 happens at the hiring manager level, and the
9 process, the final sign-off on that decision for
10 the Fire Department like every other department in
11 the County rests with the appointing authority.

12 Q Being the Fire Chief?

13 A Yes.

14 Q You agree that Fire Captains do not have
15 the authority to hire an individual, is that
16 correct?

17 MS. PASCHAL: Objection. She can answer
18 to the extent that she has personal
19 knowledge.

20 THE WITNESS: They cannot sign a paper
21 that brings somebody on the payroll, if that
22 is what you're asking?

23 BY MS. ELKIN:

24 Q Yes, can they hire somebody? No.
25 Right?

1 MS. PASCHAL: Objection, asked and
2 answered.

3 THE WITNESS: They can make
4 recommendations of who should be hired for
5 the review or the final decision of the
6 appointing authority.

7 BY MS. ELKIN:

8 Q Would you agree that the captains do not
9 have authority to promote employees?

10 MS. PASCHAL: Objection, beyond the
11 scope of the 30(b)(6) topics. She is
12 answering from her personal knowledge.

13 THE WITNESS: The promotional process at
14 a public sector is a competitive process and
15 they go on an eligible list, and then,
16 depending on what the SOP says for that
17 particular eligible list, decisions are made
18 as to who promoted. So can a captain in and
19 of himself promote somebody to lieutenant,
20 no.

21 BY MS. ELKIN:

22 Q You would agree that a captain cannot
23 fire an employee, correct?

24 MS. PASCHAL: Objection, beyond the
25 scope of the 30(b)(6) topics for this

1 witness.

2 THE WITNESS: Correct. Can I clarify
3 that? I would just say what you asked is,
4 "Can they?" and the answer is, no, they
5 cannot, but that's true of every manager up
6 to department head in every county agency.

7 If you asked the deputy director of
8 Community Services were they to fire
9 somebody, the answer is, no, because the
10 authority legally rests at the top of the
11 organization.

12 BY MS. ELKIN:

13 Q Who is Brian Farrington?

14 MS. PASCHAL: Objection, beyond the
15 scope of the 30(b)(6) topics for this
16 witness.

17 THE WITNESS: Subject matter expert for
18 Fairfax County.

19 BY MS. ELKIN:

20 Q This is somebody you hired in this
21 lawsuit?

22 A Somebody that counsel hired. I didn't.

23 Q Who is paying him?

24 A I don't know.

25 MS. PASCHAL: Objection, this is beyond

COMPENSATION PLAN - FISCAL YEAR 2013
PAY PLAN - F

PAY GRADE	RATE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
F-17	ANNUAL	46,385.86	48,714.86	51,151.36	53,702.93	56,305.66	58,934.54	61,592.92	64,282.07	66,995.07	69,724.47	72,469.00
	BIWEEKLY	1,782.46	1,947.38	2,047.63	2,148.12	2,249.41	2,351.39	2,453.92	2,556.99	2,660.61	2,764.77	2,869.38
	HOURLY	22,305.7	23,420.6	24,592.0	25,816.1	27,093.3	28,414.4	29,780.1	31,191.5	32,648.8	34,152.9	35,704.4
	H3	15,932.6	16,729.0	17,585.7	18,442.0	19,356.6	20,321.1	21,336.5	22,392.8	23,490.1	24,628.4	25,807.7
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-18	ANNUAL	50,942.11	53,488.03	56,163.33	58,970.08	61,819.52	64,714.39	67,652.38	70,632.19	73,653.51	76,715.94	79,819.18
	BIWEEKLY	1,959.31	2,057.23	2,156.13	2,255.08	2,354.12	2,453.26	2,552.49	2,651.81	2,751.22	2,850.72	2,950.31
	HOURLY	24,491.4	25,715.4	27,001.6	28,351.0	29,764.9	31,242.7	32,785.1	34,396.5	36,077.4	37,828.5	39,650.4
	H3	17,493.9	18,368.1	19,285.9	20,250.7	21,263.6	22,326.5	23,449.1	24,632.1	25,876.3	27,181.6	28,549.1
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-19	ANNUAL	53,371.97	56,040.40	58,843.41	61,784.94	64,774.99	67,814.38	70,902.71	74,040.68	77,228.91	80,467.01	83,754.51
	BIWEEKLY	2,052.77	2,155.40	2,263.21	2,376.34	2,494.81	2,618.58	2,747.67	2,882.17	3,022.08	3,167.41	3,318.16
	HOURLY	25,659.6	26,942.5	28,290.1	29,704.3	31,186.9	32,740.7	34,367.5	36,069.1	37,847.4	39,692.3	41,605.7
	H3	18,328.3	19,244.6	20,207.2	21,217.4	22,278.5	23,392.6	24,562.3	25,789.9	27,077.7	28,425.8	29,835.4
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-20	ANNUAL	56,039.15	58,841.33	61,782.24	64,872.50	68,115.42	71,511.42	75,067.57	78,784.51	82,562.19	86,400.64	90,299.63
	BIWEEKLY	2,155.35	2,263.13	2,376.24	2,494.10	2,618.62	2,750.83	2,888.37	3,032.78	3,184.41	3,343.64	3,511.83
	HOURLY	26,941.9	28,289.1	29,703.0	31,188.7	32,747.8	34,385.3	36,104.6	37,909.7	39,805.1	41,795.5	43,885.4
	H3	19,244.2	20,206.5	21,216.4	22,277.6	23,391.3	24,560.9	25,789.0	27,078.4	28,432.2	29,863.9	31,346.7
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-21	ANNUAL	57,687.76	60,571.26	63,600.58	66,780.48	70,118.67	73,625.76	77,306.53	81,171.58	85,123.08	89,162.83	93,296.91
	BIWEEKLY	2,218.76	2,329.66	2,446.18	2,568.48	2,696.87	2,831.76	2,973.33	3,121.58	3,278.08	3,442.03	3,614.11
	HOURLY	27,734.5	29,120.8	30,577.2	32,106.0	33,710.9	35,397.0	37,166.6	39,024.8	40,976.0	43,025.4	45,176.4
	H3	19,510.4	20,606.6	21,840.9	23,232.9	24,679.2	26,283.6	28,047.6	29,874.9	31,768.5	33,724.4	35,755.9
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-22	ANNUAL	61,380.80	64,450.25	67,671.97	71,055.50	74,608.35	78,339.25	82,257.76	86,368.88	90,668.00	95,152.40	99,823.94
	BIWEEKLY	2,360.80	2,478.86	2,602.77	2,732.90	2,868.55	3,015.05	3,163.76	3,321.88	3,486.00	3,655.40	3,830.54
	HOURLY	29,510.0	30,957.7	32,534.6	34,161.3	35,859.4	37,621.1	39,447.0	41,338.8	43,297.0	45,324.0	47,420.0
	H3	21,078.6	22,132.6	23,239.0	24,400.9	25,621.0	26,902.2	28,247.8	29,659.6	31,142.9	32,700.0	34,335.1
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-23	ANNUAL	64,445.01	67,671.34	71,054.88	74,607.31	78,338.42	82,255.68	86,367.84	90,665.92	95,152.57	99,823.82	104,680.51
	BIWEEKLY	2,478.61	2,602.74	2,732.88	2,868.51	3,015.02	3,163.68	3,321.84	3,485.92	3,655.44	3,830.56	4,011.71
	HOURLY	30,965.1	32,534.3	34,161.0	35,858.9	37,620.7	39,446.9	41,338.0	43,297.1	45,324.1	47,420.1	49,544.4
	H3	22,132.2	23,238.6	24,400.7	25,620.6	26,901.9	28,247.1	29,659.3	31,142.1	32,695.7	34,334.1	36,051.0
	Step Hold	1	1	1	1	1	1	1	2	2	2	2

F-1

30(6)(6)
EXHIBIT NO. 12
May 14, 2014

04.03.2014

19-00001

COMPENSATION PLAN - FISCAL YEAR 2012
PAY PLAN - F

PAY GRADE	RATE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
F-24	ANNUAL	67,671.34	71,054.88	74,607.31	78,338.42	82,255.88	86,367.84	90,685.92	95,221.57	99,980.82	104,981.55	110,230.85
	BIWEEKLY	2,602.74	2,732.88	2,868.51	3,013.02	3,163.65	3,321.84	3,487.82	3,662.37	3,845.42	4,037.75	4,239.55
	HOURLY	32.5343	34.1610	35.8689	37.6627	39.5480	41.5230	43.6950	45.9719	48.3567	50.8479	52.9556
	H3	23.2388	24.4007	25.6206	26.9019	28.2471	29.6592	31.1421	32.6937	34.3341	36.0514	37.8540
	Step Hold	1	1	1	1	1	1	1	2			
F-25	ANNUAL	70,894.51	74,438.00	78,160.78	82,068.90	86,172.74	90,479.79	95,005.04	99,755.55	104,743.18	109,981.46	115,480.35
	BIWEEKLY	2,726.71	2,863.00	3,006.18	3,156.50	3,314.34	3,479.99	3,654.04	3,836.75	4,028.58	4,230.06	4,441.55
	HOURLY	34.0838	35.7875	37.5773	39.4582	41.4292	43.4899	45.6755	47.9894	50.3573	52.8757	55.5154
	H3	24.3456	25.5625	26.8405	28.1830	29.5923	31.0714	32.6254	34.2567	35.9695	37.7654	39.6567
	Step Hold	1	1	1	1	1	1	1	2			
F-26	ANNUAL	74,438.00	78,180.78	82,068.90	86,172.74	90,479.79	95,005.04	99,755.55	104,743.18	109,981.46	115,478.90	121,292.56
	BIWEEKLY	2,863.00	3,006.18	3,156.50	3,314.34	3,479.99	3,654.04	3,836.75	4,028.58	4,230.06	4,441.50	4,663.58
	HOURLY	35.7875	37.5773	39.4582	41.4292	43.4899	45.6755	47.9894	50.3573	52.8757	55.5187	58.2945
	H3	25.5625	26.8405	28.1830	29.5923	31.0714	32.6254	34.2567	35.9695	37.7684	39.6562	41.6389
	Step Hold	1	1	1	1	1	1	1	2			
F-27	ANNUAL	77,798.88	81,686.38	85,771.50	90,059.84	94,562.52	99,289.63	104,254.80	109,467.07	114,941.22	120,687.84	126,722.96
	BIWEEKLY	2,992.26	3,141.78	3,298.80	3,463.84	3,637.02	3,818.93	4,009.60	4,210.27	4,430.82	4,641.94	4,873.95
	HOURLY	37.4033	39.2723	41.2363	43.2980	45.4528	47.7154	50.1225	52.6284	55.2602	58.0230	60.9245
	H3	26.7166	28.0516	29.4545	30.9271	32.4734	34.0967	35.8018	37.5917	39.4716	41.4450	43.5175
	Step Hold	1	1	1	1	1	1	1	2			
F-29	ANNUAL	86,832.51	91,172.64	95,732.42	100,518.08	105,545.02	110,822.61	116,363.73	122,187.49	128,220.14	134,632.58	141,364.29
	BIWEEKLY	3,339.71	3,506.64	3,682.02	3,866.08	4,059.42	4,262.41	4,475.53	4,698.29	4,931.54	5,176.18	5,437.09
	HOURLY	41.7464	43.8330	46.0252	48.3260	50.7428	53.2801	55.9441	58.7411	61.6443	64.7272	67.9836
	H3	29.8188	31.3053	32.8751	34.5186	36.2449	38.0572	39.9601	41.9579	44.0516	46.2337	48.5454
	Step Hold	1	1	1	1	1	1	1	2			
F-31	ANNUAL	95,680.16	100,359.58	105,376.75	110,644.56	116,177.78	121,986.18	128,087.23	134,485.89	141,215.58	148,276.56	155,680.29
	BIWEEKLY	3,676.16	3,859.98	4,052.95	4,255.56	4,468.38	4,691.78	4,925.43	5,170.68	5,431.38	5,702.96	5,986.09
	HOURLY	45.9520	48.2488	50.6619	53.1945	55.9547	58.8472	61.8594	64.9966	67.9923	71.2970	74.8511
	H3	32.8229	34.4641	36.1871	37.9961	39.8962	41.8909	43.9850	46.1647	48.4545	50.9193	53.4651
	Step Hold	1	1	1	1	1	1	1	2			
F-33	ANNUAL	105,151.90	110,405.73	115,930.05	121,726.59	127,813.71	134,202.54	140,913.75	147,960.98	155,368.74	163,126.70	171,263.61
	BIWEEKLY	4,044.30	4,246.53	4,458.65	4,681.79	4,915.51	5,161.54	5,419.76	5,690.78	5,975.34	6,274.10	6,587.51
	HOURLY	50.5538	53.0816	55.7355	58.5224	61.4489	64.5205	67.7470	71.1348	74.6917	78.4253	82.3476
	H3	36.1098	37.9154	39.8111	41.8017	43.8921	46.0861	48.3907	50.8105	53.3513	56.0168	58.8197
	Step Hold	1	1	1	1	1	1	1	2			

F-2

04.03.2014

19-00002

COMPENSATION PLAN - FISCAL YEAR 2012 (Effective Sep. 24, 2011)
PAY PLAN - F

PAY GRADE	RATE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
F-17	ANNUAL	45,405.98	47,675.47	50,068.98	52,563.06	55,162.38	57,871.04	60,694.15	63,635.82	66,694.41	69,869.06	73,159.09
	BIWEEKLY	1,746.38	1,833.67	1,925.38	2,021.66	2,122.76	2,228.04	2,337.35	2,450.22	2,567.21	2,688.06	2,813.63
	HOURLY	21,829.6	22,920.9	24,068.7	25,270.7	26,534.8	27,858.1	29,241.6	30,684.5	32,187.5	33,750.7	35,374.1
	H3	15,592.7	16,372.1	17,190.9	18,050.5	18,953.4	19,900.6	20,893.5	21,932.5	22,997.6	24,089.7	25,209.9
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-18	ANNUAL	49,855.31	52,346.94	54,965.04	57,711.89	60,598.51	63,627.52	66,804.81	70,131.33	73,616.29	77,259.51	81,062.09
	BIWEEKLY	1,917.51	2,013.34	2,114.04	2,219.66	2,330.71	2,447.22	2,569.61	2,693.13	2,827.06	2,961.21	3,105.51
	HOURLY	23,968.9	25,168.8	26,425.5	27,748.1	29,133.9	30,580.2	32,100.1	33,695.6	35,368.1	37,118.6	38,949.1
	H3	17,120.6	17,976.3	18,875.4	19,818.6	20,800.9	21,825.1	22,894.5	24,000.4	25,145.4	26,330.5	27,555.6
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-19	ANNUAL	52,233.38	54,844.82	57,587.92	60,465.85	63,480.96	66,636.08	69,934.49	73,478.05	77,168.87	80,999.90	84,976.13
	BIWEEKLY	2,008.98	2,109.42	2,214.85	2,325.65	2,441.96	2,564.08	2,692.29	2,826.65	2,967.22	3,114.16	3,267.46
	HOURLY	25,112.2	26,367.7	27,686.5	29,070.6	30,524.5	32,051.0	33,653.6	35,336.6	37,102.8	38,956.0	40,898.6
	H3	17,937.3	18,834.1	19,776.1	20,764.7	21,803.2	22,883.6	24,008.3	25,239.7	26,502.0	27,807.1	29,146.4
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-20	ANNUAL	54,843.57	57,586.05	60,464.14	63,485.46	66,652.13	69,965.54	73,425.34	77,139.87	80,999.27	84,999.90	89,136.13
	BIWEEKLY	2,109.37	2,214.85	2,325.64	2,441.86	2,563.93	2,692.14	2,826.74	2,968.07	3,116.47	3,272.30	3,435.93
	HOURLY	26,367.1	27,685.5	29,069.3	30,523.3	32,049.1	33,651.7	35,343.3	37,100.9	38,955.9	40,903.8	42,943.1
	H3	18,833.6	19,754.4	20,763.8	21,802.4	22,882.2	24,006.5	25,238.8	26,500.6	27,825.6	29,217.0	30,677.9
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-21	ANNUAL	56,457.02	59,278.96	62,243.58	65,355.88	68,622.74	72,054.94	75,667.30	79,469.78	83,411.74	87,583.80	91,982.21
	BIWEEKLY	2,171.42	2,279.95	2,393.98	2,513.68	2,639.34	2,771.34	2,909.90	3,055.35	3,208.14	3,368.80	3,537.01
	HOURLY	27,142.8	28,499.5	29,924.8	31,421.0	32,981.7	34,618.1	36,337.7	38,152.2	40,075.4	42,107.6	44,242.6
	H3	19,387.7	20,356.8	21,374.9	22,443.6	23,565.5	24,744.1	25,972.2	27,280.1	28,644.1	30,076.6	31,580.4
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-22	ANNUAL	60,071.23	63,075.17	66,228.24	69,539.60	73,018.53	76,667.51	80,502.86	84,536.21	88,755.18	93,160.03	97,850.59
	BIWEEKLY	2,310.43	2,425.97	2,547.24	2,674.60	2,808.33	2,948.77	3,096.26	3,251.01	3,413.56	3,584.26	3,763.49
	HOURLY	28,860.4	30,324.6	31,840.5	33,432.5	35,104.1	36,859.6	38,703.3	40,637.6	42,669.8	44,802.3	47,034.6
	H3	20,628.9	21,660.4	22,743.2	23,880.4	25,074.4	26,326.5	27,645.2	29,029.9	30,478.4	32,002.1	33,602.5
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-23	ANNUAL	63,073.92	66,227.62	69,539.60	73,015.49	76,667.14	80,502.78	84,536.17	88,751.10	93,160.03	97,847.78	102,740.77
	BIWEEKLY	2,425.92	2,547.22	2,674.58	2,808.29	2,948.74	3,096.18	3,250.97	3,413.80	3,584.23	3,763.38	3,951.57
	HOURLY	30,324.0	31,840.2	33,432.2	35,103.6	36,859.2	38,702.3	40,637.1	42,668.8	44,802.5	47,034.2	49,354.6
	H3	21,660.0	22,743.0	23,880.1	25,074.0	26,326.0	27,644.1	29,029.5	30,477.7	32,002.1	33,602.1	35,281.9
	Step Hold	1	1	1	1	1	1	1	2	2	2	2

04.03.2014

19-00003

COMPENSATION PLAN - FISCAL YEAR 2012 (Effective Sep 24, 2011)
PAY PLAN - F

PAY GRADE	RATE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
F-24	ANNUAL	66,227.62	69,538.98	73,015.49	76,667.14	80,500.78	84,525.17	88,751.10	93,160.03	97,847.78	102,741.81	107,878.96
	BIWEEKLY	2,547.22	2,717.58	2,808.29	2,987.14	3,100.97	3,280.97	3,415.50	3,594.23	3,763.36	3,951.51	4,140.19
	HOURLY	31.8402	33.9322	35.1036	36.8592	38.7029	40.6371	42.6688	44.8029	47.0423	49.3851	51.8648
	H3	22.7430	23.8801	25.0740	26.3280	27.6445	29.0265	30.4777	32.0021	33.6016	35.2822	37.0464
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-25	ANNUAL	69,381.94	72,849.92	76,493.25	80,317.95	84,334.22	88,549.34	92,978.08	97,627.30	102,508.43	107,635.01	113,016.59
	BIWEEKLY	2,668.54	2,801.92	2,942.05	3,089.15	3,243.62	3,405.74	3,576.08	3,754.90	3,942.53	4,139.81	4,346.79
	HOURLY	33.3567	35.0240	36.7756	38.6144	40.5453	42.5718	44.7010	46.9362	49.2829	51.7475	54.3348
	H3	23.8282	25.0171	26.2683	27.5917	29.0009	30.4984	31.9853	33.5255	35.1201	36.7626	38.4506
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-26	ANNUAL	72,849.92	76,493.25	80,317.95	84,334.22	88,549.34	92,978.08	97,627.30	102,508.43	107,635.01	113,016.59	118,665.66
	BIWEEKLY	2,801.92	2,942.05	3,089.15	3,243.62	3,405.74	3,576.08	3,754.90	3,942.53	4,139.81	4,346.79	4,564.06
	HOURLY	35.0240	36.7756	38.6144	40.5453	42.5718	44.7010	46.9362	49.2829	51.7475	54.3342	57.0508
	H3	25.0171	26.2683	27.5917	29.0009	30.4984	31.9853	33.5255	35.1201	36.7626	38.4501	40.1768
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-27	ANNUAL	76,139.02	79,943.55	83,941.52	88,138.34	92,545.23	97,171.36	102,030.45	107,131.65	112,488.90	118,113.07	124,019.38
	BIWEEKLY	2,928.42	3,074.75	3,228.52	3,389.94	3,559.43	3,737.36	3,924.25	4,120.45	4,326.50	4,542.81	4,769.98
	HOURLY	36.6053	38.4344	40.3566	42.3742	44.4829	46.7770	49.0531	51.5056	54.0612	56.7851	59.6247
	H3	26.1466	27.4631	28.8261	30.2673	31.7808	33.3693	35.0375	36.7897	38.6284	40.5608	42.5851
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-28	ANNUAL	84,979.86	89,227.42	93,690.06	98,373.60	103,293.22	108,458.27	113,881.04	119,574.83	125,484.53	131,760.30	138,348.29
	BIWEEKLY	3,268.46	3,431.82	3,603.46	3,783.60	3,972.62	4,171.47	4,380.04	4,599.03	4,826.33	5,067.70	5,321.09
	HOURLY	40.8557	42.8978	45.0433	47.2950	49.6602	52.1434	54.7505	57.4879	60.3291	63.3463	66.5136
	H3	28.1826	30.6413	32.1736	33.7821	35.4716	37.2453	39.1075	41.0528	43.0922	45.2474	47.5067
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-31	ANNUAL	93,540.93	98,218.43	103,128.48	108,283.97	113,698.04	119,383.68	125,354.53	131,620.53	138,203.10	145,113.48	152,368.74
	BIWEEKLY	3,597.73	3,777.63	3,966.48	4,164.77	4,373.04	4,591.68	4,821.33	5,062.33	5,315.50	5,581.29	5,860.34
	HOURLY	44.9716	47.2204	49.5810	52.0566	54.6630	57.3960	60.2666	63.2791	66.4436	69.7661	73.2542
	H3	32.1226	33.7269	35.4150	37.1864	39.0450	40.9871	43.0476	45.1954	47.4599	49.8329	52.3244
	Step Hold	1	1	1	1	1	1	1	2	2	2	2
F-33	ANNUAL	102,908.42	108,054.13	113,456.72	119,129.50	125,086.83	131,339.52	137,907.33	144,803.57	152,044.26	159,646.45	167,528.66
	BIWEEKLY	3,988.02	4,185.93	4,385.72	4,587.50	4,791.03	5,004.13	5,226.37	5,457.37	5,697.86	5,947.20	6,205.20
	HOURLY	49.4752	51.9451	54.5465	57.2738	60.1379	63.1440	66.3016	69.6171	73.0952	76.7531	80.5907
	H3	35.3384	37.1065	38.9618	40.9099	42.9556	45.1029	47.3583	49.7265	52.2130	54.8236	57.5648
	Step Hold	1	1	1	1	1	1	1	2	2	2	2

F-2

04.03.2014

19-00004

E-2

COMPENSATION PLAN - FISCAL YEAR 2010
PAY PLAN - F

PAY GRADE	RATE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
F-17	ANNUAL	44,515.74	46,740.72	49,076.43	51,532.42	54,110.16	56,820.66	59,570.66	62,338.37	65,110.22	67,895.29	70,692.32
	BIWEEKLY	1,712.14	1,797.72	1,997.63	1,962.02	2,081.16	2,266.26	2,409.17	2,528.88	2,658.09	2,788.88	2,928.32
	HOURLY	21,401.8	22,471.5	23,595.4	24,775.2	25,014.5	26,157	30,114.6	31,620.3	33,201.1	34,861.0	36,504.0
	H3	15,287.0	16,051.1	16,653.9	17,596.6	18,581.8	20,438.5	21,510.4	22,585.9	23,715.1	24,900.7	26,145.7
	HOLD	1	1	1	1	1	1	1	2	2	2	2
F-18	ANNUAL	48,877.71	51,320.46	53,867.39	56,580.37	59,410.21	62,350.03	65,499.52	68,775.82	72,215.94	75,825.98	79,516.24
	BIWEEKLY	1,879.91	1,973.86	2,072.59	2,176.17	2,285.01	2,398.23	2,519.22	2,645.22	2,777.54	2,916.36	3,062.24
	HOURLY	23,496.9	24,673.3	25,907.4	27,202.1	28,582.6	29,990.4	31,430.3	32,953	34,548	36,185.4	37,860
	H3	16,784.9	17,623.8	18,595.3	19,430.1	20,401.9	21,421.7	22,483.1	23,618.1	24,799.4	26,039.1	27,341.4
	HOLD	1	1	1	1	1	1	1	2	2	2	2
F-19	ANNUAL	51,209.18	53,759.46	56,458.69	59,281.25	62,246.08	65,358.80	68,626.90	72,056.82	75,660.62	79,443.73	83,415.70
	BIWEEKLY	1,969.58	2,068.06	2,171.49	2,280.05	2,394.08	2,513.80	2,639.50	2,771.42	2,910.02	3,056.53	3,208.30
	HOURLY	24,619.8	25,850.7	27,143.6	28,500.6	29,926.0	31,422.5	32,993.7	34,542.7	36,175.3	37,894.1	40,103.7
	H3	17,595.6	18,464.8	19,388.3	20,357.6	21,375.7	22,444.6	23,566.9	24,744.8	25,962.4	27,261.5	28,645.5
	HOLD	1	1	1	1	1	1	1	2	2	2	2
F-20	ANNUAL	53,768.21	56,456.82	59,278.54	62,243.58	65,355.05	68,623.15	72,054.32	75,650.67	79,439.57	83,411.74	87,582.56
	BIWEEKLY	2,068.01	2,171.42	2,279.94	2,393.98	2,513.66	2,639.35	2,771.32	2,909.87	3,055.37	3,208.14	3,368.56
	HOURLY	25,880.1	27,142.7	28,499.3	29,924.8	31,420.7	32,991.9	34,641.5	36,373.4	38,192.1	40,101.8	42,107.0
	H3	18,484.4	19,387.6	20,350.6	21,374.9	22,443.4	23,565.6	24,743.9	25,961.0	27,280.1	28,644.1	30,076.4
	HOLD	1	1	1	1	1	1	1	2	2	2	2
F-21	ANNUAL	55,350.05	58,116.86	61,023.04	64,074.19	67,277.18	70,642.00	74,173.84	77,893.06	81,776.24	85,866.35	90,155.06
	BIWEEKLY	2,126.85	2,235.26	2,347.04	2,464.39	2,587.58	2,717.00	2,852.84	2,995.46	3,145.24	3,302.95	3,467.66
	HOURLY	26,610.6	27,940.7	29,338.0	30,804.9	32,344.8	33,962.5	35,660.5	37,443.3	39,315.5	41,281.9	43,345.7
	H3	19,007.6	19,957.6	20,955.7	22,003.5	23,103.4	24,258.9	25,471.8	26,745.2	28,082.5	29,487.1	30,961.2
	HOLD	1	1	1	1	1	1	1	2	2	2	2
F-22	ANNUAL	58,893.33	61,836.40	64,929.70	68,176.16	71,584.86	75,164.75	78,924.35	82,868.66	87,012.85	91,363.58	95,932.10
	BIWEEKLY	2,265.13	2,378.40	2,497.30	2,622.16	2,753.26	2,890.95	3,035.56	3,187.26	3,346.65	3,513.98	3,689.70
	HOURLY	28,314.1	29,730.0	31,216.2	32,777.0	34,415.8	36,136.8	37,944.4	39,840.8	41,833.1	43,924.8	46,121.2
	H3	20,224.4	21,235.7	22,297.3	23,412.1	24,582.7	25,812.1	27,103.1	28,467.7	29,890.8	31,374.8	32,943.7
	HOLD	1	1	1	1	1	1	1	2	2	2	2
F-23	ANNUAL	61,837.15	64,929.07	68,175.54	71,583.62	75,153.52	78,922.27	82,867.62	87,010.98	91,362.75	95,929.18	100,726.29
	BIWEEKLY	2,376.35	2,497.27	2,622.14	2,753.22	2,890.92	3,035.47	3,187.22	3,346.55	3,513.96	3,689.68	3,874.08
	HOURLY	29,729.4	31,215.9	32,776.7	34,415.3	36,136.5	37,943.4	39,840.3	41,832.2	43,924.4	46,119.8	48,426.1
	H3	21,235.3	22,297.1	23,411.9	24,582.4	25,811.5	27,102.4	28,457.4	29,880.1	31,374.6	32,943.7	34,590.1
	HOLD	1	1	1	1	1	1	1	2	2	2	2

F-1

04.03.2014

19-00005

COMPENSATION PLAN - FISCAL YEAR 2010
PAY PLAN - F

PAY GRADE	RATE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
F-24	ANNUAL	64,929.07	68,175.54	71,583.82	75,153.92	78,922.27	82,857.82	87,010.98	91,353.75	95,929.18	100,727.33	105,763.63
	BIWEEKLY	2,497.27	2,622.14	2,753.22	2,890.92	3,035.47	3,187.22	3,345.58	3,513.95	3,689.56	3,874.13	4,067.83
	HOURLY	31,215.9	32,776.7	34,475.3	36,316.5	38,304.3	40,443.4	42,732.2	45,171.9	47,764.9	50,512.9	53,427.9
	H3	22,297.1	23,411.9	24,582.4	25,811.8	27,102.4	28,457.4	29,880.1	31,374.5	32,942.7	34,590.4	36,318.9
	HOLD	1	1	1	1	1	1	1	2			
STEP												
F-25	ANNUAL	68,021.41	71,421.58	74,993.36	78,743.18	82,680.62	86,813.17	91,154.95	95,713.07	100,498.53	105,524.43	110,800.55
	BIWEEKLY	2,616.21	2,746.98	2,884.36	3,028.58	3,180.02	3,338.97	3,505.96	3,681.27	3,865.33	4,058.63	4,261.56
	HOURLY	32,702.6	34,337.3	36,054.5	37,857.3	39,750.3	41,737.1	43,824.5	46,015.9	48,316.6	50,732.9	53,266.5
	H3	23,359.0	24,526.6	25,753.2	27,040.9	28,393.1	29,812.2	31,303.2	32,868.5	34,511.9	36,237.8	38,049.5
	HOLD	1	1	1	1	1	1	1	2			
STEP												
F-26	ANNUAL	71,421.58	74,993.36	78,743.18	82,680.62	86,813.17	91,154.95	95,713.07	100,498.53	105,524.43	110,799.10	116,338.88
	BIWEEKLY	2,746.98	2,884.36	3,028.58	3,180.02	3,338.97	3,505.96	3,681.27	3,865.33	4,058.63	4,261.56	4,474.55
	HOURLY	34,337.3	36,054.5	37,857.3	39,750.3	41,737.1	43,824.5	46,015.9	48,316.6	50,732.9	53,268.5	55,932.2
	H3	24,526.6	25,753.2	27,040.9	28,393.1	29,812.2	31,303.2	32,868.5	34,511.9	36,237.8	38,049.1	39,951.6
	HOLD	1	1	1	1	1	1	1	2			
STEP												
F-27	ANNUAL	74,646.00	78,376.06	82,295.62	86,410.06	90,730.64	95,266.08	100,029.90	105,031.06	110,283.26	115,797.14	121,587.65
	BIWEEKLY	2,871.00	3,014.46	3,165.22	3,323.45	3,489.64	3,664.08	3,847.30	4,039.66	4,241.66	4,453.74	4,676.45
	HOURLY	35,887.5	37,680.8	39,565.2	41,543.3	43,620.5	45,801.0	48,091.3	50,495.7	53,020.8	55,671.7	58,455.6
	H3	25,633.9	26,914.9	28,260.9	29,673.8	31,157.5	32,715.0	34,350.9	36,068.4	37,872.0	39,765.5	41,754.0
	HOLD	1	1	1	1	1	1	1	2			
STEP												
F-28	ANNUAL	83,313.57	87,477.94	91,853.01	96,444.61	101,267.52	106,331.68	111,646.15	117,230.26	123,024.10	129,176.74	135,635.55
	BIWEEKLY	3,204.37	3,364.54	3,532.81	3,709.41	3,894.92	4,089.68	4,294.16	4,508.66	4,731.70	4,966.34	5,216.75
	HOURLY	40,054.6	42,056.7	44,160.1	46,367.6	48,686.5	51,121.0	53,677.0	56,367.7	59,148.2	62,104.2	65,205.4
	H3	28,610.4	30,040.5	31,542.9	33,115.7	34,776.1	36,515.0	38,340.7	40,257.6	42,247.3	44,360.1	46,576.1
	HOLD	1	1	1	1	1	1	1	2			
STEP												
F-31	ANNUAL	91,706.78	96,292.56	101,106.30	106,160.70	111,469.70	117,042.85	122,896.59	129,039.66	135,495.28	142,268.05	149,381.02
	BIWEEKLY	3,527.18	3,703.56	3,888.70	4,083.10	4,287.30	4,501.85	4,726.79	4,963.06	5,211.26	5,471.85	5,745.42
	HOURLY	44,089.8	46,294.5	48,606.8	51,036.8	53,591.2	56,270.6	59,084.9	62,038.3	65,141.0	68,388.1	71,776.8
	H3	31,492.7	33,067.5	34,720.6	36,466.3	38,279.4	40,153.3	42,093.5	44,103.1	46,189.3	48,355.6	50,595.4
	HOLD	1	1	1	1	1	1	1	2			
STEP												
F-33	ANNUAL	100,850.61	105,935.44	111,232.15	116,763.66	122,534.10	128,564.27	134,864.33	141,464.37	148,382.69	155,616.05	163,184.14
	BIWEEKLY	3,880.41	4,074.42	4,276.16	4,492.06	4,716.70	4,952.47	5,200.13	5,460.17	5,733.15	6,019.85	6,320.84
	HOURLY	48,505.1	50,930.5	53,477.0	56,150.8	58,958.7	61,905.9	65,001.6	68,252.1	71,664.9	75,248.1	79,010.5
	H3	34,646.5	36,378.9	38,197.9	40,107.7	42,113.4	44,218.5	46,428.7	48,751.5	51,185.2	53,748.6	56,456.1
	HOLD	1	1	1	1	1	1	1	2			
STEP												

COMPENSATION PLAN - FISCAL YEAR 2010
PAY PLAN - I

04.03.2014

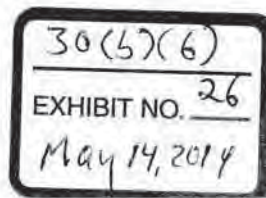
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***Fairfax County
Fire & Rescue Department***

***B-Shift
Administrative
and
Operational
Procedures***



Deputy Chief Charles W. Ryan, III
Effective: February 7, 2011



PLF 78

- **Current Day Staffing, Next Day Staffing, and Activities:** Please make sure your staffing is complete at least two tours in advance. Next day activities are located on the Master Calendar on the Intranet. Be sure to check and plan accordingly.
- **DFC Aide – When To Contact/Items To Go Through The Aide**
The Aide is my counterpart. The Aide is fully engaged in all shift issues, including sensitive and confidential matters and is fully cognizant of the requirement to maintain in strict confidence any matters not to be shared outside of the shift. When the Aide calls you and asks for information, a document, etc., it is to be treated as if I am the one making the call.

Battalion Chief and OPS406 T&A's are initially reviewed by the DFC Aide, so all FRD-43's for BC's and the OPS406 go directly to the DFC Aide when requested.

Master Calendar entry requests shall be sent directly to the DFC Aide.

The DFC Aide will coordinate the scheduling of units for OARS, EMSCEP, and other required training.

If you need to leave your assigned response area for more than 15 or 20 minutes you shall contact the DFC Aide to advise of the reason you need to be out of position, where you will be, and for how long you anticipate being out of your area. I expect you to coordinate these "absences" with your neighboring BMT counterpart to arrange an "area swap" if possible. Please be prudent in your "diversions" and the requests for the same. This includes trips to the Massey Building, MPSTOC, the apparatus shops, the Training Academy, any hospital not in your response area, etc.

- **Discipline: ALL discipline** needs to be routed through the chain of command through the BC and to me before anything is done with the affected employee. Shift Officers shall not, under any circumstance, issue any form of discipline to a subordinate without first contacting the BC. Even in the instance of Tardiness, the shift officer must call the BC first. Be sure that you have assured the shift officer has checked the employee's station-level file before calling me with a discipline recommendation.

Oral reprimands require initial notification to me. Example: A FF in one of your stations is tardy and the tardiness is not excusable. It is his/her 1st offense, and the shift officer has confirmed this to you. The shift officer should prepare the FRD-133, citing all appropriate SOP's and Rules & Regulations violated, and send it to you for review. You should assure that the correct form is being used (e.g., most current version of the FRD form), that the narrative is detailed, accurate, grammatically correct and free of spelling errors. If not, work with the shift officer to correct the deficiencies. I urge you not to do this for the shift officer. This is a learning device for them, and it's part of their job. You should then notify me by phone or e-mail of how you intend to proceed. I will let you know if that is acceptable or if I need to do some further checking on my end.

**FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT
OPERATIONS BUREAU**

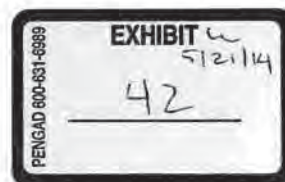


FIELD BATTALION CHIEF'S HANDBOOK

(Revised December 2009)

04.03.2014

App.689



1-03614

PX 8-1

III. PERSONNEL MANAGEMENT

A. Disciplinary Actions

1. General Information

- a. Confer with the appropriate shift deputy chief when administering oral reprimands. Written reprimands must be approved by the shift deputy prior to being administered.

2. Procedures

- a. Conduct a complete and thorough investigation of the incident, including written statements from anyone who was involved in the incident, was a witness, or from anyone who can help clarify the situation.
- b. Check the individual's past records to determine if similar situations have occurred.
 - Check personnel file
 - Contact the employee's shift leader to determine behavioral history
- c. Confer with the deputy chief to advise him/her of the situation, make a recommendation based on your findings, and seek his/her guidance.
- d. Include the EMS captain in an investigation of incidents that involve EMS personnel and issues

3. Fitness for Duty (SOP 02.04.03)

- a. You have the authority to temporarily relieve an employee from duty if, in your opinion, he/she is not physically or mentally competent.

4. Levels of Discipline

- a. Discipline is designed to correct inappropriate behavior. It should be initiated as soon as possible, but the investigation into the allegations leading up to the behavior should be thorough. Templates for preparing discipline are posted in Outlook. These templates should be used to ensure consistency of the discipline and to ensure that the most current version of the document is used.
 - Verbal Counseling - Handled by the individual's shift leader who, after approval by the battalion chief and shift deputy chief, provides the counseling
 - Written Reprimand - Submitted to the shift deputy chief for approval through the chain-of-command

RULES AND REGULATIONS

TABLE OF CONTENTS

100 GENERAL RESPONSIBILITIES

- 100.01 Knowledge of Regulations
- 100.02 County Personnel Regulations
- 100.03 Obedience to the Laws and Regulations
- 100.04 Chain of Command
- 100.05 Performance of Duty
- 100.06 Human Relations
- 100.07 Cooperation/Coordination
- 100.08 Reporting Violation
- 100.09 Establishing Elements of Violation

200 STANDARDS OF CONDUCT

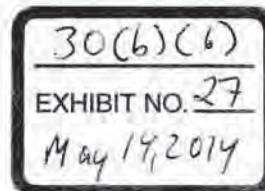
- 200.01 Accepting Gifts, Gratuities, Etc.
- 200.02 Emergency Recall
- 200.03 Firearms
- 200.04 Free Admission and Passes
- 200.05 Gambling
- 200.06 Identification as a Fire and Rescue Department Employee
- 200.07 Immoral Conduct
- 200.08 Intoxicants on Departmental Premises
- 200.09 Intoxicants – Purchase and Consumption
- 200.10 Intoxication
- 200.11 Malingering
- 200.12 Membership in Organizations
- 200.13 Obligation to Duty
- 200.14 Personal Preference
- 200.15 Reporting to Duty
- 200.16 Smoking On or Off Duty
- 200.17 Telephone Requirements
- 200.18 Truthfulness
- 200.19 Unbecoming Conduct

300 DISCIPLINARY ACTIONS



- 300.01 General Guidelines
- 300.02 First Offense
- 300.03 Second Offense
- 300.04 Third Offense
- 300.05 Fourth Offense
- 300.06 Oral Counseling and Written Reprimand

04.03.2014

App.691



1-03452
PX 10-1

	FAIRFAX COUNTY FIRE & RESCUE DEPARTMENT RULES AND REGULATIONS
	APPROVED BY:  Chief Ronald L. Mastin
	DATE: September 1, 2008

100.05

Performance of Duty

All employees shall perform their duties as required or directed by law, SOP, departmental rule, Operating Manual, General Order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

100.06

Human Relations

Every employee is expected to perform his/her duties in an efficient, courteous, and orderly manner, employing patience and good judgment at all times. All employees shall refrain from harsh, profane, or insolent language or acts, and shall be courteous and civil in their dealings with others. Employees shall not use racial or ethnic slurs and innuendos. They shall use respectful, civil forms of address to all persons regardless of their life-style. Displays of bias toward any person on account of race, ethnicity, sex, religious preference or life-style shall be considered unbecoming conduct.

100.07

Cooperation/Coordination

Employees shall coordinate their efforts with all other employees of the department and county agencies, with the objective of ensuring maximum achievement and continuity of purpose through teamwork. All employees are charged with the responsibility of fostering and maintaining a high degree of cooperation both within the department and with all other agencies.

100.08

Reporting Violation

Any employee who has knowledge of other employees, individually or collectively, who are knowingly or unintentionally violating any laws or statutes, ordinances, Fairfax County Procedural Memorandums, SOPs, rules and regulations of the department, or who are disobeying orders, shall bring any and all facts pertaining to the

Name	Rank	When	Where	Cause At the Fire Ground	Nature of Injury
Conrad, David P	CAPT I	11/1/2010	Structural Fire Suppression	Overexertion, Strain	Cardiac Abnormalities
	CAPT I	11/7/2010	Responding to or Returning from Alarm		Sprains & Strains
	CAPT I	11/11/2010	Training		Sprains & Strains
	CAPT I	11/15/2010	Fire Station		Cardiac Abnormalities
	CAPT I	1/17/2011	Structural Fire Suppression	Stepped on, Contact with Object	Lacerations & Contusions
	CAPT I	1/22/2011	Structural Fire Suppression	Overexertion, Strain	Cardiac Abnormalities
	CAPT I	3/4/2011	Fire Station		Sprains & Strains
	CAPT I	3/6/2011	Fire Station		Sprains & Strains
	CAPT I	4/4/2011	Physical Fitness Exercises		Sprains & Strains
	CAPT I	5/25/2011	Training		Sprains & Strains
Conrad, David P	CAPT I	5/28/2011	Fire Station		Other Injury
	CAPT I	5/29/2011	Training		Cardiac Abnormalities
	CAPT I	6/27/2011	Emergency Medical		Heat
	CAPT I	8/5/2011	Location Unknown (Other)		Other Injury
	CAPT I	8/8/2011	Non-Structural Fire Suppression	Other	Cardiac Abnormalities
	CAPT I	8/12/2011	Structural Fire Suppression		Cardiac Abnormalities
	CAPT I	8/17/2011	Training		Sprains & Strains
	CAPT I	8/28/2011	Technical Rescue		Fractures
	CAPT I	9/8/2011	Structural Fire Suppression		Lacerations & Contusions
	CAPT I	9/8/2011	Technical Rescue		Heat
Conrad, David P	CAPT I	9/17/2011	Training		Sprains & Strains
	CAPT I	9/18/2011	Training		Sprains & Strains
	CAPT I	9/28/2011	Fire Station		Sprains & Strains
	CAPT I	10/16/2011	Structural Fire Suppression	Exposure to Fire Products	Lacerations & Contusions
	CAPT I	10/30/2011	Emergency Medical		Burns
	CAPT I	11/1/2011	Fire Station		Sprains & Strains
	CAPT I	11/1/2011	Location Unknown (Other)		Other Injury
	CAPT I	11/10/2011	Physical Fitness Exercises		Other Injury
	CAPT I	12/1/2011	Training		Sprains & Strains
	CAPT I	12/9/2011	Emergency Medical		Sprains & Strains
Menton, Mark P	CAPT I	1/12/2012	Physical Fitness Exercises		Sprains & Strains
	CAPT I	1/17/2012	Emergency Medical		Sprains & Strains
	CAPT I	1/25/2012	Physical Fitness Exercises		Sprains & Strains
	CAPT I	1/25/2012	Training		Sprains & Strains
	CAPT I	2/6/2012	Emergency Medical		Sprains & Strains
	CAPT I	2/6/2012	Fire Station		Sprains & Strains
	CAPT I	2/24/2012	Fire Station		Sprains & Strains
	CAPT I	3/16/2012	Non-Structural Fire Suppression	Stepped on, Contact with Object	Other Injury
	CAPT I	3/23/2012	Fire Station		Other Injury
	CAPT I	4/7/2012	Physical Fitness Exercises		Lacerations & Contusions
Thompson, Christopher	CAPT I				Sprains & Strains

	CAPT I	5/4/2012	Non-Structural Fire Suppression	Fall, Slipped, Jumped, trip	Sprains & Strains
Higginbotham, John E	CAPT I	5/8/2012	Physical Fitness Exercises		Sprains & Strains
	CAPT I	5/17/2012	Training		Other Injury
	CAPT I	5/24/2012	Responding to or Returning from Alarm		Lacerations & Contusions
	CAPT I	6/4/2012	Fire Station		Sprains & Strains
Menton, Mark P	CAPT I	6/9/2012	Structural Fire Suppression	Stepped on, Contact with Object	Sprains & Strains
	CAPT I	6/13/2012	Fire Station		Other Injury
	CAPT I	6/14/2012	Fire Station		Sprains & Strains
	CAPT I	6/15/2012	Responding to or Returning from Alarm		Lacerations & Contusions
Beasley, Oscar L	CAPT I	6/20/2012	Structural Fire Suppression	Overexertion, Strain	Other Injury
Menton, Mark P	CAPT I	6/27/2012	Training		Sprains & Strains
Conrad, David P	CAPT I	7/10/2012	Non-Structural Fire Suppression		Sprains & Strains
Betz, Bill C	CAPT I	7/29/2012	Fire Station		Sprains & Strains
	CAPT I	8/13/2012	Fire Station		Sprains & Strains
	CAPT I	8/20/2012	Physical Fitness Exercises		Sprains & Strains
	CAPT I	8/23/2012	Technical Rescue		Sprains & Strains
	CAPT I	8/31/2012	Fire Station		Sprains & Strains
	CAPT I	8/31/2012	Location Unknown (Other)		Sprains & Strains
Menton, Mark P	CAPT I	9/27/2012	Training		Lacerations & Contusions
	CAPT I	9/30/2012	Fire Station		Sprains & Strains
	CAPT I	10/22/2012	Location Unknown (Other)		Sprains & Strains
	CAPT I	10/26/2012	Emergency Medical		Sprains & Strains
	CAPT I	10/31/2012	Location Unknown (Other)		Sprains & Strains
	CAPT I	11/7/2012	Location Unknown (Other)		Lacerations & Contusions
	CAPT I	11/12/2012	Responding to or Returning from Alarm		Sprains & Strains
	CAPT I	11/14/2012	Training		Sprains & Strains
	CAPT I	11/18/2012	Emergency Medical		Sprains & Strains
	CAPT I	11/28/2012	Training		Lacerations & Contusions
Menton, Mark P	CAPT I	11/29/2012	Fire Station	Struck by Object	Sprains & Strains
Betz, Bill C	CAPT I	12/10/2012	Non-Structural Fire Suppression		Other Injury
	CAPT I	12/11/2012	Responding to or Returning from Alarm		Sprains & Strains
	CAPT I	1/4/2013	Fire Station		Sprains & Strains
	CAPT I	1/24/2013	Location Unknown (Other)		Sprains & Strains
	CAPT I	2/18/2013	Fire Station		Lacerations & Contusions
	CAPT I	2/21/2013	Location Unknown (Other)		Cardiac Abnormalities
	CAPT I	3/3/2013	Emergency Medical		Sprains & Strains
Menton, Mark P	CAPT I	3/8/2013	Training		Sprains & Strains
	CAPT I	3/11/2013	Responding to or Returning from Alarm		Other Injury
	CAPT I	3/17/2013	Location Unknown (Other)		Other Injury
	CAPT I	3/20/2013	Emergency Medical		Fractures
	CAPT I	3/26/2013	Physical Fitness Exercises		Sprains & Strains

	CAPT I	4/5/2013	Location Unknown (Other)			Other Injury
	CAPT I	4/26/2013	Emergency Medical			Sprains & Strains
	CAPT I	4/26/2013	Location Unknown (Other)			Eye
	CAPT I	5/3/2013	Emergency Medical			Sprains & Strains
	CAPT I	6/2/2013	Fire Station			Lacerations & Contusions
	CAPT I	6/18/2013	Responding to or Returning from Alarm			Sprains & Strains
	CAPT I	6/23/2013	Physical Fitness Exercises			Sprains & Strains
	CAPT I	6/27/2013	Emergency Medical			Sprains & Strains
	CAPT I	7/7/2013	Responding to or Returning from Alarm			Sprains & Strains
	CAPT I	7/20/2013	Structural Fire Suppression		Struck by Object	Lacerations & Contusions
	CAPT I	8/2/2013	Training			Sprains & Strains
	CAPT I	8/17/2013	Responding to or Returning from Alarm			Sprains & Strains
Conrad, David P	CAPT I	8/21/2013	Fire Station			Other Injury
Montague, Donald P	CAPT I	8/22/2013	Emergency Medical			Other Injury
	CAPT I	8/26/2013	Location Unknown (Other)			Sprains & Strains
	CAPT I	9/15/2013	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
	CAPT I	9/20/2013	At CPAT Facility			Sprains & Strains
	CAPT I	9/22/2013	Physical Fitness Exercises			Sprains & Strains
	CAPT I	10/8/2013	Location Unknown (Other)			Other Injury
	CAPT I	11/4/2013	Physical Fitness Exercises			Sprains & Strains
	CAPT I	11/7/2013	Emergency Medical			Sprains & Strains
	CAPT I	11/29/2013	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Other Injury
	CAPT I	12/17/2013	Location Unknown (Other)			Sprains & Strains
	CAPT I	1/1/2014	Emergency Medical			Sprains & Strains
	CAPT I	1/13/2014	Physical Fitness Exercises			Sprains & Strains
	CAPT I	1/17/2014	Emergency Medical			Sprains & Strains
	CAPT I	1/27/2014	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
	CAPT I	2/2/2014	Fire Station			Lacerations & Contusions
	CAPT I	2/13/2014	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
	CAPT I	2/18/2014	Emergency Medical			Sprains & Strains
Beasley, Oscar L	CAPT I	3/4/2014	Emergency Medical			Sprains & Strains
	CAPT I	4/21/2014	Responding to or Returning from Alarm			Lacerations & Contusions
	CAPT I	5/5/2014	Location Unknown (Other)			Other Injury
	CAPT I	5/5/2014	Location Unknown (Other)			Other Injury
Robb, Natalie D	CAPT I-E	12/1/2011	Fire Station			Sprains & Strains
Robb, Natalie D	CAPT I-E	12/4/2012	Fire Station			Other Injury
Robb, Natalie D	CAPT I-E	2/18/2013	Emergency Medical			Lacerations & Contusions
Robb, Natalie D	CAPT I-E	3/4/2014	Emergency Medical			Sprains & Strains
	CAPT II	11/1/2010	Structural Fire Suppression		Overexertion, Strain	Cardiac Abnormalities
Gonzalez, George O	CAPT II	11/11/2010	Training			Sprains & Strains
	CAPT II	11/16/2010	Location Unknown (Other)			Cardiac Abnormalities

	CAPT II	11/30/2010	Structural Fire Suppression	Other	Cardiac Abnormalities
	CAPT II	1/4/2011	Physical Fitness Exercises		Sprains & Strains
	CAPT II	3/14/2011	Location Unknown (Other)		Eye
	CAPT II	4/7/2011	Training		Sprains & Strains
	CAPT II	5/5/2011	Location Unknown (Other)		Other Injury
	CAPT II	5/12/2011	Fire Station		Cardiac Abnormalities
	CAPT II	5/18/2011	Training		Sprains & Strains
Gonzalez, George O	CAPT II	6/15/2011	Location Unknown (Other)		Lacerations & Contusions
	CAPT II	6/22/2011	Location Unknown (Other)		Cardiac Abnormalities
	CAPT II	7/15/2011	Training		Lacerations & Contusions
	CAPT II	8/13/2011	Structural Fire Suppression	Fall, Slipped, Jumped, trip	Fractures
Brandell, Fred H	CAPT II	9/18/2011	Training		Sprains & Strains
Jackson, Anthony L	CAPT II	9/20/2011	Physical Fitness Exercises		Sprains & Strains
	CAPT II	9/23/2011	Emergency Medical		Sprains & Strains
	CAPT II	9/23/2011	Structural Fire Suppression	Fall, Slipped, Jumped, trip	Sprains & Strains
	CAPT II	10/27/2011	Physical Fitness Exercises		Sprains & Strains
	CAPT II	11/10/2011	Fire Station		Lacerations & Contusions
	CAPT II	11/26/2011	Training		Sprains & Strains
	CAPT II	3/3/2012	Location Unknown (Other)		Lacerations & Contusions
	CAPT II	3/17/2012	Fire Station		Other Injury
	CAPT II	5/7/2012	Training		Lacerations & Contusions
	CAPT II	5/9/2012	Location Unknown (Other)		Cardiac Abnormalities
	CAPT II	5/13/2012	Training		Sprains & Strains
	CAPT II	7/2/2012	Location Unknown (Auto Accident)		Sprains & Strains
	CAPT II	7/13/2012	Location Unknown (Other)		Other Injury
Brandell, Fred H	CAPT II	7/16/2012	Physical Fitness Exercises		Sprains & Strains
	CAPT II	8/28/2012	Physical Fitness Exercises		Sprains & Strains
	CAPT II	9/2/2012	Location Unknown (Other)		Eye
	CAPT II	9/4/2012	Physical Fitness Exercises		Sprains & Strains
	CAPT II	9/17/2012	Physical Fitness Exercises		Lacerations & Contusions
Gonzalez, George O	CAPT II	10/1/2012	Emergency Medical		Sprains & Strains
	CAPT II	10/25/2012	Location Unknown (Other)		Other Injury
	CAPT II	11/5/2012	Emergency Medical		Eye
	CAPT II	11/15/2012	Fire Station		Lacerations & Contusions
	CAPT II	11/29/2012	Training		Lacerations & Contusions
	CAPT II	1/10/2013	Training		Sprains & Strains
	CAPT II	1/25/2013	Training		Lacerations & Contusions
	CAPT II	2/13/2013	Location Unknown (Other)		Sprains & Strains
	CAPT II	2/28/2013	Vehicle Extrication		Sprains & Strains
	CAPT II	4/8/2013	Structural Fire Suppression	Overexertion, Strain	Sprains & Strains
Jackson, Anthony L	CAPT II	4/16/2013	Responding to or Returning from Alarm		Sprains & Strains

	CAPT II	4/17/2013	Emergency Medical			Sprains & Strains
	CAPT II	5/11/2013	Training			Sprains & Strains
	CAPT II	5/15/2013	Structural Fire Suppression	Fall, Slipped, Jumped, trip		Sprains & Strains
	CAPT II	6/15/2013	Physical Fitness Exercises			Sprains & Strains
	CAPT II	7/11/2013	Structural Fire Suppression	Struck by Object		Fractures
	CAPT II	7/14/2013	Training			Lacerations & Contusions
	CAPT II	8/11/2013	Emergency Medical			Other Injury
	CAPT II	8/11/2013	Fire Station			Lacerations & Contusions
	CAPT II	9/2/2013	Location Unknown (Other)			Lacerations & Contusions
	CAPT II	9/10/2013	At CPAT Facility			Other Injury
	CAPT II	9/14/2013	Training			Sprains & Strains
	CAPT II	10/10/2013	Emergency Medical			Lacerations & Contusions
	CAPT II	1/24/2014	Emergency Medical			Lacerations & Contusions
	CAPT II	1/25/2014	Structural Fire Suppression			Lacerations & Contusions
	CAPT II	1/26/2014	Responding to or Returning from Alarm	Struck by Object		Sprains & Strains
	CAPT II	2/23/2014	Emergency Medical			Sprains & Strains
	CAPT II	3/6/2014	Training			Cardiac Abnormalities
	CAPT II	3/10/2014	Responding to or Returning from Alarm			Cardiac Abnormalities
	CAPT II	3/26/2014	Physical Fitness Exercises			Sprains & Strains
	CAPT II	3/28/2014	Emergency Medical			Sprains & Strains
	CAPT II	3/30/2014	Physical Fitness Exercises			Cardiac Abnormalities
	CAPT II-E	4/11/2011	Fire Station			Lacerations & Contusions
	CAPT II-E	5/12/2011	Training			Sprains & Strains
	CAPT II-E	5/27/2011	Physical Fitness Exercises			Sprains & Strains
	CAPT II-E	6/20/2011	Training			Cardiac Abnormalities
	CAPT II-E	11/14/2011	Fire Station			Sprains & Strains
	CAPT II-E	4/5/2012	Structural Fire Suppression	Fall, Slipped, Jumped, trip		Lacerations & Contusions
	CAPT II-E	4/16/2012	Fire Station	Other		Sprains & Strains
	CAPT II-E	3/13/2013	Training			HazMat Inhalation (Including Smoke)
	CAPT II-E	3/15/2013	Training			Sprains & Strains
	CAPT II-E	4/11/2013	Location Unknown (Other)			Lacerations & Contusions
	A TECH	7/2/2012	Fire Station			Sprains & Strains
	A/V TECH	5/7/2012	Fire Station			Sprains & Strains
	A/V TECH	5/17/2012	Training			Other Injury
	AA IV	12/10/2013	Location Unknown (Other)			Other Injury
	AC	11/4/2010	Location Unknown (Other)			Cardiac Abnormalities
	ACT TECH	7/29/2012	Responding to or Returning from Alarm			Sprains & Strains
	ACT TECH-E	1/26/2011	Structural Fire Suppression	Other		Lacerations & Contusions
	ADMIN ASST	8/23/2011	Location Unknown (Other)			Fractures
	ADMIN ASST	10/19/2011	Location Unknown (Other)			Sprains & Strains
	ADMIN ASST	4/10/2012	Location Unknown (Other)			Sprains & Strains

	APP Superintendent	12/22/2011	Location Unknown (Other)		Lacerations & Contusions
	ATECH	6/19/2012	Training		Lacerations & Contusions
	ATECH	7/11/2012	Training		Lacerations & Contusions
	ATECH	7/25/2012	Location Unknown (Other)		Sprains & Strains
	AUTO MECH II	1/31/2011	Location Unknown (Other)		Other Injury
	AUTO MECH II	3/17/2011	Location Unknown (Other)		Lacerations & Contusions
	AUTO MECH II	9/26/2011	Location Unknown (Other)		Lacerations & Contusions
	BC	11/6/2010	Fire Station		Cardiac Abnormalities
	BC	2/1/2011	Location Unknown (Other)		Cardiac Abnormalities
	BC	2/28/2011	Structural Fire Suppression	Other	Lacerations & Contusions
	BC	3/24/2011	Physical Fitness Exercises		Sprains & Strains
	BC	4/22/2011	Training		Sprains & Strains
	BC	4/28/2011	Physical Fitness Exercises		Sprains & Strains
	BC	6/25/2011	Training		Sprains & Strains
	BC	12/19/2011	Location Unknown (Other)		Sprains & Strains
	BC	2/7/2012	Location Unknown (Other)		Sprains & Strains
	BC	5/24/2012	Physical Fitness Exercises		Sprains & Strains
	BC	8/26/2012	Physical Fitness Exercises		Sprains & Strains
	BC	9/20/2012	Location Unknown (PSOHC)		Other Injury
	BC	10/13/2012	Physical Fitness Exercises		Other Injury
Cochrane, Bradford A	BC	11/27/2012	Location Unknown (Other)		Sprains & Strains
	BC	1/18/2013	Structural Fire Suppression	Stepped on, Contact with Object	Sprains & Strains
	BC	2/27/2013	Location Unknown (Other)		Sprains & Strains
	BC	3/17/2013	Physical Fitness Exercises		Sprains & Strains
	BC	5/30/2013	Location Unknown (Other)		Lacerations & Contusions
	BC	9/4/2013	Physical Fitness Exercises		Sprains & Strains
	BC	11/13/2013	Technical Rescue		Lacerations & Contusions
	BC	12/7/2013	Fire Station		Other Injury
	BC	1/16/2014	Physical Fitness Exercises		Sprains & Strains
	BC	1/20/2014	Training		Sprains & Strains
	BC	1/25/2014	Physical Fitness Exercises		Eye
	BC	3/7/2014	Physical Fitness Exercises		Sprains & Strains
	CIV	12/27/2013	Location Unknown (Other)		Sprains & Strains
	CIVILIAN PA	3/12/2013	Location Unknown (Other)		Other Injury
	CODE SPEC II	1/7/2013	Location Unknown (Other)		Sprains & Strains
	DAS II	4/28/2012	Training		HazMat Inhalation (Including Smoke)
	DAS II	4/28/2012	Training		HazMat Inhalation (Including Smoke)
	DC	3/31/2011	Location Unknown (Other)		Cardiac Abnormalities
	DC	4/1/2011	Physical Fitness Exercises		Sprains & Strains
	DC	4/27/2011	Location Unknown (Other)		Sprains & Strains
	DC	6/13/2011	Training		Sprains & Strains

DC	8/23/2011	Location Unknown (Other)		Sprains & Strains
DC	3/24/2012	Physical Fitness Exercises		Cardiac Abnormalities
DC	6/5/2013	Location Unknown (Other)		Sprains & Strains
DC	9/12/2013	Location Unknown (Other)		Sprains & Strains
DC	3/24/2014	Technical Rescue		Other Injury
EM SPEC III	7/11/2013	Location Unknown (Other)		Lacerations & Contusions
EMS Capt	12/13/2013	Physical Fitness Exercises		Sprains & Strains
FF	11/1/2010	Structural Fire Suppression	Overexertion, Strain	Cardiac Abnormalities
FF	11/1/2010	Structural Fire Suppression	Overexertion, Strain	Cardiac Abnormalities
FF	11/2/2010	Emergency Medical		Sprains & Strains
FF	11/4/2010	Emergency Medical		Lacerations & Contusions
FF	11/6/2010	Emergency Medical		Lacerations & Contusions
FF	11/7/2010	Training		Burns
FF	11/9/2010	Emergency Medical		Sprains & Strains
FF	11/10/2010	Emergency Medical		Sprains & Strains
FF	11/12/2010	Training		Sprains & Strains
FF	11/13/2010	Training		Sprains & Strains
FF	11/15/2010	Training		Burns
FF	11/17/2010	Physical Fitness Exercises		Lacerations & Contusions
FF	11/18/2010	Fire Station		Sprains & Strains
FF	11/19/2010	Training		Lacerations & Contusions
FF	11/26/2010	Emergency Medical		Sprains & Strains
FF	11/29/2010	Training		Burns
FF	12/1/2010	Fire Station		Other Injury
FF	12/1/2010	Training		Cardiac Abnormalities
FF	12/2/2010	Emergency Medical		Sprains & Strains
FF	12/7/2010	Structural Fire Suppression	Overexertion, Strain	Sprains & Strains
FF	12/8/2010	Fire Station		Lacerations & Contusions
FF	12/14/2010	HazMat Fixed Site		Lacerations & Contusions
FF	12/14/2010	Training		Lacerations & Contusions
FF	12/19/2010	Physical Fitness Exercises		Sprains & Strains
FF	12/20/2010	Emergency Medical		Sprains & Strains
FF	12/25/2010	Emergency Medical		Sprains & Strains
FF	12/26/2010	Fire Station		Other Injury
FF	12/27/2010	Fire Station		Lacerations & Contusions
FF	12/28/2010	Fire Station		Sprains & Strains
FF	12/30/2010	Emergency Medical		Sprains & Strains
FF	12/30/2010	Emergency Medical		Sprains & Strains
FF	1/3/2011	Emergency Medical		Sprains & Strains
FF	1/4/2011	Emergency Medical		Sprains & Strains
FF	1/12/2011	Emergency Medical		Sprains & Strains

FF	1/15/2011	Fire Station			Burns
FF	1/20/2011	Fire Station			Other Injury
FF	1/20/2011	Responding to or Returning from Alarm			Sprains & Strains
FF	1/21/2011	Emergency Medical			Sprains & Strains
FF	1/21/2011	Physical Fitness Exercises			Sprains & Strains
FF	1/22/2011	Structural Fire Suppression		Exposure to Fire Products	Burns
FF	1/24/2011	Emergency Medical			Sprains & Strains
FF	1/25/2011	Physical Fitness Exercises			Lacerations & Contusions
FF	1/26/2011	Location Unknown (Other)			Lacerations & Contusions
FF	1/26/2011	Responding to or Returning from Alarm			Sprains & Strains
FF	1/28/2011	Physical Fitness Exercises			Lacerations & Contusions
FF	1/31/2011	Emergency Medical			Sprains & Strains
FF	2/1/2011	Fire Station			Lacerations & Contusions
FF	2/1/2011	Fire Station			Lacerations & Contusions
FF	2/3/2011	Training		Exposure to Fire Products	Burns
FF	2/6/2011	Fire Station			Lacerations & Contusions
FF	2/9/2011	Location Unknown (Other)			Cardiac Abnormalities
FF	2/19/2011	Location Unknown (Other)			Eye
FF	2/22/2011	Fire Station			Sprains & Strains
FF	2/23/2011	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
FF	2/25/2011	Responding to or Returning from Alarm			Other Injury
FF	2/25/2011	Responding to or Returning from Alarm			Sprains & Strains
FF	2/25/2011	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Burns
FF	2/27/2011	Emergency Medical			Sprains & Strains
FF	3/10/2011	Emergency Medical			Sprains & Strains
FF	3/10/2011	Physical Fitness Exercises			Sprains & Strains
FF	3/11/2011	Fire Station			Sprains & Strains
FF	3/20/2011	Fire Station			Lacerations & Contusions
FF	3/21/2011	Fire Station			Lacerations & Contusions
FF	3/21/2011	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
FF	3/27/2011	Emergency Medical			Sprains & Strains
FF	3/27/2011	Non-Structural Fire Suppression		Other	Lacerations & Contusions
FF	3/27/2011	Responding to or Returning from Alarm			Sprains & Strains
FF	3/27/2011	Training			Sprains & Strains
FF	3/29/2011	Emergency Medical			Sprains & Strains
FF	3/30/2011	Emergency Medical			Sprains & Strains
FF	4/1/2011	Training			Sprains & Strains
FF	4/5/2011	Physical Fitness Exercises			Heat
FF	4/7/2011	Training			Sprains & Strains
FF	4/13/2011	Emergency Medical			Sprains & Strains
FF	4/14/2011	Emergency Medical			Sprains & Strains

FF	4/15/2011	Responding to or Returning from Alarm			Sprains & Strains
FF	4/18/2011	Emergency Medical			Sprains & Strains
FF	4/19/2011	Fire Station			Sprains & Strains
FF	4/19/2011	Non-Structural Fire Suppression		Struck by Object	Sprains & Strains
FF	4/20/2011	Training			Sprains & Strains
FF	4/22/2011	Physical Fitness Exercises			Other Injury
FF	4/23/2011	Emergency Medical			Lacerations & Contusions
FF	5/1/2011	Training			Sprains & Strains
FF	5/2/2011	Emergency Medical			Sprains & Strains
FF	5/2/2011	Responding to or Returning from Alarm			Sprains & Strains
FF	5/7/2011	Fire Station			Sprains & Strains
FF	5/9/2011	Training			Other Injury
FF	5/10/2011	Emergency Medical			Sprains & Strains
FF	5/17/2011	Training			Sprains & Strains
FF	5/19/2011	Structural Fire Suppression		Overexertion, Strain	Fractures
FF	5/19/2011	Training			Sprains & Strains
FF	5/21/2011	Emergency Medical			Sprains & Strains
FF	5/23/2011	Technical Rescue			Lacerations & Contusions
FF	5/26/2011	Fire Station			Sprains & Strains
FF	5/26/2011	Training			Other Injury
FF	6/1/2011	Fire Station			Burns
FF	6/6/2011	Fire Station			Lacerations & Contusions
FF	6/7/2011	Training			Lacerations & Contusions
FF	6/8/2011	Emergency Medical			Lacerations & Contusions
FF	6/9/2011	Fire Station			Sprains & Strains
FF	6/12/2011	Training			Sprains & Strains
FF	6/13/2011	Emergency Medical			Lacerations & Contusions
FF	6/13/2011	Training			Sprains & Strains
FF	6/15/2011	Fire Station			Sprains & Strains
FF	6/18/2011	Physical Fitness Exercises			Sprains & Strains
FF	6/18/2011	Training			Sprains & Strains
FF	6/19/2011	Emergency Medical			Sprains & Strains
FF	6/22/2011	Fire Station			Sprains & Strains
FF	6/25/2011	Physical Fitness Exercises			Sprains & Strains
FF	6/25/2011	Training			Lacerations & Contusions
FF	6/28/2011	Emergency Medical			Lacerations & Contusions
FF	6/28/2011	Structural Fire Suppression		Stepped on, Contact with Object	Lacerations & Contusions
FF	7/1/2011	Structural Fire Suppression		Overexertion, Strain	Heat
FF	7/1/2011	Location Unknown (Other)			Lacerations & Contusions
FF	7/3/2011	Fire Station			Eye
FF	7/4/2011	Emergency Medical			Sprains & Strains

FF	7/4/2011	Structural Fire Suppression	Overexertion, Strain	Sprains & Strains
FF	7/5/2011	Emergency Medical		Fractures
FF	7/7/2011	Fire Station		Lacerations & Contusions
FF	7/8/2011	Training		Burns
FF	7/11/2011	Structural Fire Suppression	Stepped on, Contact with Object	Lacerations & Contusions
FF	7/13/2011	Emergency Medical		Sprains & Strains
FF	7/14/2011	Training		Lacerations & Contusions
FF	7/15/2011	Training		Other Injury
FF	7/15/2011	Training		Sprains & Strains
FF	7/16/2011	Training		Sprains & Strains
FF	7/19/2011	Emergency Medical		Sprains & Strains
FF	7/19/2011	Fire Station		Other Injury
FF	7/19/2011	Training		Lacerations & Contusions
FF	7/19/2011	Training		Sprains & Strains
FF	7/26/2011	Fire Station		Eye
FF	7/27/2011	Training		Burns
FF	7/31/2011	Physical Fitness Exercises		Sprains & Strains
FF	8/3/2011	Location Unknown (Other)		Sprains & Strains
FF	8/4/2011	Physical Fitness Exercises		Sprains & Strains
FF	8/8/2011	Emergency Medical		Other Injury
FF	8/9/2011	Emergency Medical		Lacerations & Contusions
FF	8/9/2011	Training		Heat
FF	8/16/2011	Fire Station		Lacerations & Contusions
FF	8/18/2011	Emergency Medical		Other Injury
FF	8/20/2011	Training		Lacerations & Contusions
FF	8/23/2011	Emergency Medical		Sprains & Strains
FF	8/23/2011	Emergency Medical		Sprains & Strains
FF	8/28/2011	Structural Fire Suppression	Other	Sprains & Strains
FF	8/29/2011	Emergency Medical		Sprains & Strains
FF	8/29/2011	Emergency Medical		Sprains & Strains
FF	8/31/2011	Training		Sprains & Strains
FF	9/1/2011	Fire Station		Lacerations & Contusions
FF	9/4/2011	Emergency Medical		Sprains & Strains
FF	9/6/2011	Responding to or Returning from Alarm		Sprains & Strains
FF	9/8/2011	Non-Structural Fire Suppression		Sprains & Strains
FF	9/8/2011	Technical Rescue		Lacerations & Contusions
FF	9/9/2011	Emergency Medical		Sprains & Strains
FF	9/10/2011	Fire Station		Sprains & Strains
FF	9/13/2011	Physical Fitness Exercises		Sprains & Strains
FF	9/15/2011	Training		Other Injury
FF	9/18/2011	Fire Station		Lacerations & Contusions

FF	9/21/2011	Emergency Medical			Sprains & Strains
FF	9/23/2011	Structural Fire Suppression	Overexertion, Strain		Sprains & Strains
FF	9/29/2011	Emergency Medical			Lacerations & Contusions
FF	10/10/2011	Training			Burns
FF	10/10/2011	Training			Other Injury
FF	10/10/2011	Training			Sprains & Strains
FF	10/11/2011	Training			Sprains & Strains
FF	10/12/2011	Responding to or Returning from Alarm			Sprains & Strains
FF	10/12/2011	Structural Fire Suppression	Other		Other Injury
FF	10/14/2011	Emergency Medical	Overexertion, Strain		Sprains & Strains
FF	10/15/2011	Fire Station			Lacerations & Contusions
FF	10/20/2011	Emergency Medical			Sprains & Strains
FF	10/20/2011	Fire Station			Sprains & Strains
FF	10/20/2011	Training			Sprains & Strains
FF	10/22/2011	Fire Station			Cardiac Abnormalities
FF	10/28/2011	Training			Burns
FF	10/31/2011	Emergency Medical			Eye
FF	10/31/2011	Location Unknown (Other)			Other Injury
FF	11/1/2011	Fire Station			Other Injury
FF	11/3/2011	Fire Station			Cardiac Abnormalities
FF	11/4/2011	Location Unknown (Other)			Sprains & Strains
FF	11/12/2011	Training			Sprains & Strains
FF	11/18/2011	Training			Lacerations & Contusions
FF	11/23/2011	Location Unknown (Other)			Other Injury
FF	11/26/2011	Emergency Medical			Sprains & Strains
FF	11/27/2011	Training			Burns
FF	11/28/2011	Training			Other Injury
FF	12/1/2011	Fire Station			Sprains & Strains
FF	12/5/2011	Emergency Medical			Sprains & Strains
FF	12/12/2011	Training			Sprains & Strains
FF	12/16/2011	Non-Structural Fire Suppression	Fall, Slipped, Jumped, trip		Sprains & Strains
FF	12/21/2011	Fire Station			Other Injury
FF	12/21/2011	Training			Sprains & Strains
FF	12/26/2011	Physical Fitness Exercises			Sprains & Strains
FF	12/27/2011	Location Unknown (Other)			Lacerations & Contusions
FF	12/28/2011	Responding to or Returning from Alarm			Sprains & Strains
FF	1/2/2012	Training			Sprains & Strains
FF	1/6/2012	Fire Station			Other Injury
FF	1/9/2012	Training			Sprains & Strains
FF	1/12/2012	Emergency Medical			Sprains & Strains
FF	1/19/2012	Physical Fitness Exercises			Sprains & Strains

FF	1/22/2012	Physical Fitness Exercises			Other Injury
FF	1/24/2012	Emergency Medical			Lacerations & Contusions
FF	1/24/2012	Location Unknown (Other)			Other Injury
FF	1/28/2012	Location Unknown (Other)			Lacerations & Contusions
FF	2/3/2012	Structural Fire Suppression		Struck by Object	Lacerations & Contusions
FF	2/12/2012	Training			Sprains & Strains
FF	2/14/2012	Emergency Medical			Other Injury
FF	2/15/2012	Responding to or Returning from Alarm			Sprains & Strains
FF	2/16/2012	Location Unknown (Other)			Cardiac Abnormalities
FF	2/20/2012	Emergency Medical			Other Injury
FF	2/20/2012	Emergency Medical			Other Injury
FF	2/20/2012	Emergency Medical			Other Injury
FF	2/29/2012	Fire Station			Lacerations & Contusions
FF	3/4/2012	Emergency Medical			Lacerations & Contusions
FF	3/4/2012	Physical Fitness Exercises			Sprains & Strains
FF	3/7/2012	Location Unknown (Other)			Sprains & Strains
FF	3/9/2012	Training			Other Injury
FF	3/12/2012	Fire Station			Sprains & Strains
FF	3/12/2012	Training			Sprains & Strains
FF	3/13/2012	Emergency Medical		Overexertion, Strain	Sprains & Strains
FF	3/20/2012	Fire Station			Sprains & Strains
FF	3/21/2012	Emergency Medical			Other Injury
FF	3/26/2012	Fire Station			Sprains & Strains
FF	3/31/2012	Emergency Medical			Eye
FF	4/7/2012	Structural Fire Suppression		Exposure to Fire Products	Lacerations & Contusions
FF	4/7/2012	Structural Fire Suppression		Stepped on, Contact with Object	Burns
FF	4/14/2012	Responding to or Returning from Alarm		Fall, Slipped, Jumped, trip	Burns
FF	4/16/2012	Physical Fitness Exercises			Sprains & Strains
FF	4/17/2012	Structural Fire Suppression		Struck by Object	Sprains & Strains
FF	4/18/2012	Emergency Medical			Lacerations & Contusions
FF	4/19/2012	Emergency Medical			Sprains & Strains
FF	4/23/2012	Fire Station			Lacerations & Contusions
FF	4/24/2012	Structural Fire Suppression			Sprains & Strains
FF	4/26/2012	Emergency Medical			Sprains & Strains
FF	5/2/2012	Training			Lacerations & Contusions
FF	5/7/2012	Emergency Medical			Burns
FF	5/7/2012	Location Unknown (Other)			Sprains & Strains
FF	5/13/2012	Emergency Medical			Burns
FF	5/21/2012	Structural Fire Suppression		Other	Sprains & Strains
FF	5/22/2012	Fire Station			Other Injury
FF	5/24/2012	Fire Station			Other Injury
FF					Sprains & Strains

FF	5/24/2012	Physical Fitness Exercises			Sprains & Strains
FF	5/24/2012	Training			Other Injury
FF	5/25/2012	Non-Structural Fire Suppression		Stepped on, Contact with Object	Sprains & Strains
FF	5/25/2012	Training			Sprains & Strains
FF	5/30/2012	Training			Sprains & Strains
FF	6/1/2012	Location Unknown (Other)			Other Injury
FF	6/2/2012	Training			Lacerations & Contusions
FF	6/6/2012	Fire Station			Burns
FF	6/6/2012	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
FF	6/8/2012	Location Unknown (Other)			Sprains & Strains
FF	6/9/2012	Emergency Medical			Sprains & Strains
FF	6/11/2012	Fire Station			Other Injury
FF	6/11/2012	Fire Station			Other Injury
FF	6/11/2012	Location Unknown (Other)			Sprains & Strains
FF	6/11/2012	Physical Fitness Exercises			Sprains & Strains
FF	6/11/2012	Responding to or Returning from Alarm			Other Injury
FF	6/13/2012	Training			Heat
FF	6/15/2012	Fire Station			Other Injury
FF	6/16/2012	Emergency Medical			Lacerations & Contusions
FF	6/18/2012	Structural Fire Suppression		Stepped on, Contact with Object	Lacerations & Contusions
FF	6/19/2012	Physical Fitness Exercises			Sprains & Strains
FF	6/20/2012	Training			Lacerations & Contusions
FF	6/21/2012	Location Unknown (Other)			Lacerations & Contusions
FF	6/22/2012	Training			Heat
FF	6/24/2012	Fire Station			Sprains & Strains
FF	6/29/2012	Responding to or Returning from Alarm			Sprains & Strains
FF	6/30/2012	Emergency Medical			Sprains & Strains
FF	7/1/2012	Responding to or Returning from Alarm			Other Injury
FF	7/3/2012	Training			Lacerations & Contusions
FF	7/8/2012	Training			Lacerations & Contusions
FF	7/9/2012	Responding to or Returning from Alarm			Other Injury
FF	7/11/2012	Structural Fire Suppression		Extreme Weather	Other Injury
FF	7/12/2012	Fire Station			Lacerations & Contusions
FF	7/12/2012	Structural Fire Suppression		Other	Other Injury
FF	7/14/2012	Fire Station			Sprains & Strains
FF	7/14/2012	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
FF	7/15/2012	Training			Sprains & Strains
FF	7/21/2012	Training			Sprains & Strains
FF	7/24/2012	Training			Lacerations & Contusions
FF	7/26/2012	Fire Station			Cardiac Abnormalities
FF	7/26/2012	Training			Lacerations & Contusions

FF	7/28/2012	Structural Fire Suppression	Fall, Slipped, Jumped, trip	Sprains & Strains
FF	7/29/2012	Fire Station		Fractures
FF	7/29/2012	Fire Station		Lacerations & Contusions
FF	7/30/2012	Training		Other Injury
FF	8/4/2012	Emergency Medical		Sprains & Strains
FF	8/5/2012	Non-Structural Fire Suppression		Burns
FF	8/6/2012	Emergency Medical	Struck by Object	Other Injury
FF	8/8/2012	Location Unknown (Other)		Sprains & Strains
FF	8/16/2012	Fire Station		Lacerations & Contusions
FF	8/20/2012	Emergency Medical		Sprains & Strains
FF	8/22/2012	Fire Station		Fractures
FF	8/25/2012	Fire Station		Sprains & Strains
FF	9/13/2012	Physical Fitness Exercises		Sprains & Strains
FF	9/16/2012	Technical Rescue		Other Injury
FF	9/16/2012	Training		Heat
FF	9/18/2012	Location Unknown (Other)		Other Injury
FF	9/19/2012	Training		Sprains & Strains
FF	9/20/2012	Location Unknown (Wel-Fit)		Sprains & Strains
FF	9/24/2012	Responding to or Returning from Alarm		Sprains & Strains
FF	9/25/2012	Training		Sprains & Strains
FF	9/27/2012	Emergency Medical		Sprains & Strains
FF	9/28/2012	Emergency Medical		Lacerations & Contusions
FF	9/28/2012	Location Unknown (Wel-Fit)		Sprains & Strains
FF	10/1/2012	Training		Burns
FF	10/2/2012	Location Unknown (Wel-Fit)		Sprains & Strains
FF	10/4/2012	Emergency Medical		Sprains & Strains
FF	10/8/2012	Emergency Medical		Sprains & Strains
FF	10/9/2012	Emergency Medical		Lacerations & Contusions
FF	10/12/2012	Emergency Medical		Sprains & Strains
FF	10/15/2012	Emergency Medical		Sprains & Strains
FF	10/18/2012	Training		Lacerations & Contusions
FF	10/25/2012	Emergency Medical		Sprains & Strains
FF	10/28/2012	Structural Fire Suppression	Stepped on, Contact with Object	Sprains & Strains
FF	10/29/2012	Structural Fire Suppression	Fall, Slipped, Jumped, trip	Sprains & Strains
FF	10/30/2012	Emergency Medical		Other Injury
FF	10/31/2012	Location Unknown (Other)		Lacerations & Contusions
FF	11/1/2012	Location Unknown (Other)		Sprains & Strains
FF	11/5/2012	Location Unknown (Other)		Sprains & Strains
FF	11/6/2012	Emergency Medical		Sprains & Strains
FF	11/8/2012	Emergency Medical		Lacerations & Contusions
FF	11/13/2012	Training		Lacerations & Contusions

FF	11/15/2012	Emergency Medical			Sprains & Strains
FF	11/15/2012	Training			Lacerations & Contusions
FF	11/16/2012	Location Unknown (Other)			Other Injury
FF	11/23/2012	Non-Structural Fire Suppression	Struck by Object		Eye
FF	11/28/2012	Emergency Medical			Sprains & Strains
FF	11/29/2012	Emergency Medical			Sprains & Strains
FF	12/1/2012	Training			Lacerations & Contusions
FF	12/2/2012	Emergency Medical			Lacerations & Contusions
FF	12/2/2012	Fire Station			Cardiac Abnormalities
FF	12/3/2012	Training			Sprains & Strains
FF	12/5/2012	Location Unknown (Other)			Other Injury
FF	12/5/2012	Non-Structural Fire Suppression			Lacerations & Contusions
FF	12/10/2012	Emergency Medical			Sprains & Strains
FF	12/12/2012	Structural Fire Suppression	Overexertion, Strain		Sprains & Strains
FF	12/17/2012	Responding to or Returning from Alarm			Sprains & Strains
FF	12/19/2012	Non-Structural Fire Suppression	Fall, Slipped, Jumped, trip		Sprains & Strains
FF	12/27/2012	Location Unknown (Other)			Eye
FF	12/28/2012	Emergency Medical			Other Injury
FF	12/28/2012	Emergency Medical			Other Injury
FF	12/31/2012	Training			Burns
FF	1/5/2013	Fire Station			Burns
FF	1/7/2013	Training			Sprains & Strains
FF	1/10/2013	Fire Station			Sprains & Strains
FF	1/15/2013	Structural Fire Suppression	Stepped on, Contact with Object		Lacerations & Contusions
FF	1/18/2013	Fire Station			Other Injury
FF	1/18/2013	Location Unknown (Other)			Sprains & Strains
FF	1/20/2013	Responding to or Returning from Alarm			Sprains & Strains
FF	1/22/2013	Non-Structural Fire Suppression	Stepped on, Contact with Object		Lacerations & Contusions
FF	1/23/2013	Fire Station			Lacerations & Contusions
FF	1/25/2013	Training			Sprains & Strains
FF	1/26/2013	Fire Station			Other Injury
FF	1/31/2013	Emergency Medical			Sprains & Strains
FF	1/31/2013	Location Unknown (Other)			Other Injury
FF	2/6/2013	Location Unknown (Other)			Lacerations & Contusions
FF	2/6/2013	Training			Lacerations & Contusions
FF	2/7/2013	Fire Station			Lacerations & Contusions
FF	2/10/2013	Physical Fitness Exercises			Other Injury
FF	2/14/2013	Location Unknown (Other)			Burns
FF	2/17/2013	Fire Station			Lacerations & Contusions
FF	2/18/2013	Emergency Medical			Other Injury
FF	2/21/2013	Physical Fitness Exercises			Sprains & Strains

FF		2/22/2013	Emergency Medical			Other Injury
FF		2/22/2013	Location Unknown (Other)			Sprains & Strains
FF		2/25/2013	Training			Sprains & Strains
FF		2/26/2013	Emergency Medical			Sprains & Strains
FF		2/27/2013	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
FF		3/4/2013	Training			Sprains & Strains
FF		3/6/2013	Fire Station			Lacerations & Contusions
FF		3/10/2013	Location Unknown (Other)			Other Injury
FF		3/13/2013	Fire Station			Sprains & Strains
FF		3/14/2013	Fire Station			Sprains & Strains
FF		3/15/2013	Emergency Medical			Sprains & Strains
FF		3/15/2013	Fire Station			Other Injury
FF		3/15/2013	Non-Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
FF		3/15/2013	Training			Lacerations & Contusions
FF		3/17/2013	Non-Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
FF		3/20/2013	Fire Station			Cardiac Abnormalities
FF		3/29/2013	Training			Sprains & Strains
FF		3/30/2013	Emergency Medical			Other Injury
FF		4/5/2013	Non-Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
FF		4/9/2013	Training			Other Injury
FF		4/9/2013	Training			Sprains & Strains
FF		4/11/2013	Fire Station			Sprains & Strains
FF		4/11/2013	Training			Cardiac Abnormalities
FF		4/12/2013	Emergency Medical			Sprains & Strains
FF		4/17/2013	Training			Burns
FF		4/19/2013	Location Unknown (Other)			Sprains & Strains
FF		4/19/2013	Training			Sprains & Strains
FF		4/23/2013	Training			Sprains & Strains
FF		4/25/2013	Fire Station			Sprains & Strains
FF		4/26/2013	Location Unknown (Other)			Eye
FF		5/1/2013	Emergency Medical			Sprains & Strains
FF		5/2/2013	Training			Burns
FF		5/4/2013	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
FF		5/9/2013	Fire Station			Sprains & Strains
FF		5/10/2013	Non-Structural Fire Suppression		Other	Heat
FF		5/10/2013	Physical Fitness Exercises			Sprains & Strains
FF		5/12/2013	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
FF		5/13/2013	Structural Fire Suppression		Stepped on, Contact with Object	Lacerations & Contusions
FF		5/19/2013	Location Unknown (Other)			Other Injury
FF		5/20/2013	Fire Station			Eye
FF		5/21/2013	Emergency Medical			Lacerations & Contusions

FF	5/23/2013	Emergency Medical			Sprains & Strains
FF	5/24/2013	Location Unknown (Other)			Sprains & Strains
FF	5/24/2013	Physical Fitness Exercises			Sprains & Strains
FF	5/28/2013	Training			Other Injury
FF	5/29/2013	Structural Fire Suppression	Fall, Slipped, Jumped, trip		Sprains & Strains
FF	5/29/2013	Training			Other Injury
FF	5/30/2013	Emergency Medical			Sprains & Strains
FF	5/30/2013	Training			Lacerations & Contusions
FF	5/31/2013	Training			Heat
FF	6/4/2013	Fire Station			Sprains & Strains
FF	6/4/2013	Responding to or Returning from Alarm			Sprains & Strains
FF	6/4/2013	Training			Sprains & Strains
FF	6/13/2013	Fire Station			Sprains & Strains
FF	6/13/2013	Training			Lacerations & Contusions
FF	6/15/2013	Responding to or Returning from Alarm			Other Injury
FF	6/17/2013	Physical Fitness Exercises			Sprains & Strains
FF	6/20/2013	Physical Fitness Exercises			Sprains & Strains
FF	6/21/2013	Emergency Medical			Sprains & Strains
FF	6/21/2013	Training			Other Injury
FF	6/24/2013	Emergency Medical			Sprains & Strains
FF	6/28/2013	Emergency Medical			Sprains & Strains
FF	7/10/2013	Structural Fire Suppression	Other		Other Injury
FF	7/10/2013	Fire Station			Lacerations & Contusions
FF	7/12/2013	Physical Fitness Exercises			Sprains & Strains
FF	7/15/2013	Training			Sprains & Strains
FF	7/20/2013	Structural Fire Suppression	Struck by Object		Other Injury
FF	7/20/2013	Structural Fire Suppression	Fall, Slipped, Jumped, trip		Sprains & Strains
FF	7/21/2013	Structural Fire Suppression	Stepped on, Contact with Object		Sprains & Strains
FF	7/22/2013	Structural Fire Suppression			Other Injury
FF	7/23/2013	Physical Fitness Exercises			Other Injury
FF	7/28/2013	Fire Station			Other Injury
FF	7/28/2013	Physical Fitness Exercises			Sprains & Strains
FF	7/30/2013	Responding to or Returning from Alarm			Sprains & Strains
FF	8/4/2013	Fire Station	Struck by Object		Lacerations & Contusions
FF	8/9/2013	Responding to or Returning from Alarm			Sprains & Strains
FF	8/15/2013	Physical Fitness Exercises			Sprains & Strains
FF	8/16/2013	Training			Fractures
FF	8/22/2013	Physical Fitness Exercises			Sprains & Strains
FF	8/24/2013	Fire Station			Sprains & Strains
FF	8/28/2013	At CPAT Facility			Sprains & Strains
FF	8/31/2013	Location Unknown (Other)			Sprains & Strains

FF	9/2/2013	Structural Fire Suppression	Other	Heat
FF	9/4/2013	Emergency Medical		Sprains & Strains
FF	9/7/2013	Fire Station		Lacerations & Contusions
FF	9/9/2013	Training		Lacerations & Contusions
FF	9/10/2013	Physical Fitness Exercises		Other Injury
FF	9/10/2013	Physical Fitness Exercises		Sprains & Strains
FF	9/11/2013	Emergency Medical		Sprains & Strains
FF	9/15/2013	Fire Station		Other Injury
FF	9/15/2013	Structural Fire Suppression	Other	Other Injury
FF	9/18/2013	Technical Rescue	Other	Other Injury
FF	9/22/2013	Emergency Medical		Sprains & Strains
FF	9/24/2013	Fire Station		Sprains & Strains
FF	9/26/2013	Structural Fire Suppression	Other	Other Injury
FF	9/28/2013	Location Unknown (Other)		Sprains & Strains
FF	9/29/2013	Physical Fitness Exercises		Sprains & Strains
FF	9/29/2013	Responding to or Returning from Alarm		Sprains & Strains
FF	10/10/2013	Emergency Medical		Sprains & Strains
FF	10/13/2013	Location Unknown (Other)		Other Injury
FF	10/15/2013	Emergency Medical		Sprains & Strains
FF	10/31/2013	Responding to or Returning from Alarm		Sprains & Strains
FF	11/3/2013	Training		Cardiac Abnormalities
FF	11/5/2013	Emergency Medical		Lacerations & Contusions
FF	11/6/2013	Fire Station		Lacerations & Contusions
FF	11/6/2013	Fire Station		Lacerations & Contusions
FF	11/14/2013	Structural Fire Suppression	Fall, Slipped, Jumped, trip	Sprains & Strains
FF	11/14/2013	Training		Lacerations & Contusions
FF	11/15/2013	Emergency Medical		Other Injury
FF	11/17/2013	Structural Fire Suppression	Other	Sprains & Strains
FF	11/18/2013	Responding to or Returning from Alarm		Sprains & Strains
FF	11/23/2013	Training		Eye
FF	11/25/2013	Location Unknown (Other)		Other Injury
FF	11/25/2013	Structural Fire Suppression	Overexertion, Strain	Sprains & Strains
FF	11/27/2013	Location Unknown (Other)		Sprains & Strains
FF	11/28/2013	Fire Station		Sprains & Strains
FF	11/29/2013	Structural Fire Suppression	Stepped on, Contact with Object	Lacerations & Contusions
FF	12/1/2013	Fire Station		Lacerations & Contusions
FF	12/1/2013	Training		Sprains & Strains
FF	12/14/2013	Emergency Medical		Sprains & Strains
FF	12/14/2013	Training		Sprains & Strains
FF	12/25/2013	Emergency Medical		Sprains & Strains
FF	12/25/2013	Fire Station	Overexertion, Strain	Sprains & Strains

FF	12/29/2013	Emergency Medical				Lacerations & Contusions
FF	1/3/2014	Structural Fire Suppression		Fall, Slipped, Jumped, trip		Sprains & Strains
FF	1/3/2014	Structural Fire Suppression		Fall, Slipped, Jumped, trip		Sprains & Strains
FF	1/4/2014	Responding to or Returning from Alarm				Sprains & Strains
FF	1/5/2014	Location Unknown (Other)				Sprains & Strains
FF	1/7/2014	Technical Rescue				Sprains & Strains
FF	1/15/2014	Physical Fitness Exercises				Sprains & Strains
FF	1/16/2014	Fire Station				Sprains & Strains
FF	1/18/2014	Emergency Medical				Other Injury
FF	1/23/2014	Training				Other Injury
FF	1/24/2014	Non-Structural Fire Suppression		Fall, Slipped, Jumped, trip		Sprains & Strains
FF	1/25/2014	Emergency Medical				Sprains & Strains
FF	1/27/2014	Physical Fitness Exercises				Sprains & Strains
FF	1/27/2014	Training				Sprains & Strains
FF	2/13/2014	Emergency Medical				Sprains & Strains
FF	2/13/2014	Structural Fire Suppression		Other		Eye
FF	2/23/2014	Structural Fire Suppression		Stepped on, Contact with Object		Lacerations & Contusions
FF	2/26/2014	Physical Fitness Exercises				Cardiac Abnormalities
FF	3/3/2014	Fire Station				Sprains & Strains
FF	3/5/2014	Emergency Medical				Sprains & Strains
FF	3/8/2014	Emergency Medical				Sprains & Strains
FF	3/10/2014	Physical Fitness Exercises				Sprains & Strains
FF	3/13/2014	Fire Station				Sprains & Strains
FF	3/14/2014	Location Unknown (Other)				Cardiac Abnormalities
FF	3/24/2014	Structural Fire Suppression		Fall, Slipped, Jumped, trip		Sprains & Strains
FF	3/27/2014	Training				Sprains & Strains
FF	4/2/2014	Structural Fire Suppression		Struck by Object		Lacerations & Contusions
FF	4/3/2014	Structural Fire Suppression		Other		Sprains & Strains
FF	4/4/2014	Training				Lacerations & Contusions
FF	4/4/2014	Training				Sprains & Strains
FF	4/11/2014	Training				Sprains & Strains
FF	4/17/2014	Physical Fitness Exercises				Sprains & Strains
FF	4/18/2014	Emergency Medical				Sprains & Strains
FF	4/18/2014	Fire Station				Lacerations & Contusions
FF	4/21/2014	Structural Fire Suppression		Other		Sprains & Strains
FF	4/27/2014	Fire Station				Lacerations & Contusions
FF	5/2/2014	Structural Fire Suppression				Cardiac Abnormalities
FF	5/5/2014	Emergency Medical				Sprains & Strains
FF	5/6/2014	Technical Rescue				Sprains & Strains
FF	5/6/2014	Training				Sprains & Strains
FF	5/8/2014	Emergency Medical				Sprains & Strains

FF	5/8/2014	Training			Sprains & Strains
FF	5/12/2014	Physical Fitness Exercises			Sprains & Strains
FF	5/12/2014	Training			Sprains & Strains
FF MED	4/11/2011	Location Unknown (Other)			Sprains & Strains
FF MED	6/25/2011	Location Unknown (Other)			Sprains & Strains
FF MED	7/29/2011	Structural Fire Suppression		Extreme Weather	Heat
FF MED	8/14/2011	Emergency Medical			Sprains & Strains
FF MED	8/28/2011	Structural Fire Suppression		Stepped on, Contact with Object	Lacerations & Contusions
FF MED	9/18/2011	Fire Station			Other Injury
FF MED	10/20/2011	Fire Station			Lacerations & Contusions
FF MED	10/29/2011	Physical Fitness Exercises			Lacerations & Contusions
FF MED	1/8/2012	Emergency Medical			Lacerations & Contusions
FF MED	1/19/2012	Fire Station			Sprains & Strains
FF MED	3/11/2012	Emergency Medical			Sprains & Strains
FF MED	5/24/2012	Fire Station			Eye
FF MED	6/23/2012	Fire Station			Burns
FF MED	8/10/2012	Physical Fitness Exercises			Sprains & Strains
FF MED	8/11/2012	Physical Fitness Exercises			Sprains & Strains
FF MED	8/14/2012	Fire Station Activity			Lacerations & Contusions
FF MED	5/3/2013	Emergency Medical			Other Injury
FF MED	5/12/2013	Physical Fitness Exercises			Sprains & Strains
FF MED	6/11/2013	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
FF MED	7/30/2013	Emergency Medical			Sprains & Strains
FF MED	10/1/2013	Emergency Medical			Sprains & Strains
FF MED	10/14/2013	Emergency Medical			Sprains & Strains
FF MED	10/22/2013	Location Unknown (Other)			Lacerations & Contusions
FF MED	11/10/2013	Physical Fitness Exercises			Sprains & Strains
FF MED	11/22/2013	Training			Sprains & Strains
FF MED	12/26/2013	Emergency Medical			Sprains & Strains
FF MED	1/25/2014	Emergency Medical			Lacerations & Contusions
FF MED	2/24/2014	Emergency Medical			Sprains & Strains
FF MED	3/12/2014	Physical Fitness Exercises			Sprains & Strains
FF MED	3/16/2014	Emergency Medical			Sprains & Strains
FF MED	4/2/2014	Training			Other Injury
FF MED	4/5/2014	Physical Fitness Exercises			Sprains & Strains
HMTECH	9/12/2012	Emergency Medical			Lacerations & Contusions
HMTECH	9/22/2012	Location Unknown (Other)			Sprains & Strains
INSP I	9/25/2011	Location Unknown (Other)			Other Injury
INSP II	1/18/2011	Location Unknown (Other)			Lacerations & Contusions
INSP II	1/21/2011	Location Unknown (Other)			Other Injury
INSP II	5/20/2011	Location Unknown (Other)			HazMat Inhalation (Including Smoke)

INSP II	11/8/2011	Location Unknown (Other)			Cardiac Abnormalities
INSP II	8/22/2012	Location Unknown (Other)			Lacerations & Contusions
INSP II	1/3/2013	Location Unknown (Other)			Sprains & Strains
INSP II	5/29/2013	Location Unknown (Other)			Sprains & Strains
INSP II	3/4/2014	Location Unknown (Other)			Sprains & Strains
INSP III	11/21/2013	Location Unknown (Other)			Sprains & Strains
INSP III	1/23/2014	Location Unknown (Other)			Lacerations & Contusions
INSTRUCTOR	3/16/2013	Location Unknown (Other)			Other Injury
INSTRUCTOR	4/2/2013	Emergency Medical			Cardiac Abnormalities
INSTRUCTOR	2/9/2014	Training			Sprains & Strains
INSTRUCTOR	3/1/2014	Location Unknown (Other)			Sprains & Strains
INSTRUCTOR III	3/1/2014	Training			Lacerations & Contusions
INSTRUMENT TECH II	1/22/2013	Fire Station			Sprains & Strains
LT	11/10/2010	Non-Structural Fire Suppression		Exposure to Chemicals or Radiation	Eye
LT	11/12/2010	Structural Fire Suppression		Exposure to Fire Products	Burns
LT	11/15/2010	Non-Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
LT	11/25/2010	Fire Station			Lacerations & Contusions
LT	12/8/2010	Training			Sprains & Strains
LT	12/11/2010	Physical Fitness Exercises			Sprains & Strains
LT	12/13/2010	Physical Fitness Exercises			Sprains & Strains
LT	1/5/2011	Physical Fitness Exercises			Sprains & Strains
LT	1/7/2011	Training			Lacerations & Contusions
LT	1/20/2011	Structural Fire Suppression		Stepped on, Contact with Object	Lacerations & Contusions
LT	1/23/2011	Responding to or Returning from Alarm			Sprains & Strains
LT	1/30/2011	Training			Other Injury
LT	2/10/2011	Fire Station			Other Injury
LT	2/14/2011	Fire Station			Cardiac Abnormalities
LT	2/19/2011	Structural Fire Suppression		Stepped on, Contact with Object	Lacerations & Contusions
LT	2/24/2011	Location Unknown (Other)			Other Injury
LT	3/5/2011	Location Unknown (Other)			Lacerations & Contusions
LT	3/9/2011	Fire Station			Lacerations & Contusions
LT	3/16/2011	Location Unknown (Other)			Sprains & Strains
LT	3/29/2011	Structural Fire Suppression		Extreme Weather	Heat
LT	3/31/2011	Location Unknown (Other)			Cardiac Abnormalities
LT	4/1/2011	Training			Sprains & Strains
LT	4/4/2011	Non-Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
LT	4/15/2011	Training			Lacerations & Contusions
LT	4/15/2011	Training			Sprains & Strains
LT	4/20/2011	Location Unknown (Other)			Sprains & Strains
LT	4/24/2011	Physical Fitness Exercises			Lacerations & Contusions
LT	4/27/2011	Location Unknown (Other)			Other Injury

LT	5/23/2011	Training			Heat
LT	7/3/2011	Location Unknown (Other)			Sprains & Strains
LT	7/8/2011	Training			Heat
LT	7/15/2011	Training			Lacerations & Contusions
LT	7/25/2011	Fire Station			Sprains & Strains
LT	7/25/2011	Location Unknown (Other)			Lacerations & Contusions
LT	7/26/2011	Physical Fitness Exercises			Sprains & Strains
LT	8/2/2011	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
LT	8/6/2011	Fire Station			Other Injury
LT	8/11/2011	Emergency Medical			Sprains & Strains
LT	8/18/2011	Emergency Medical			Sprains & Strains
LT	8/18/2011	Training			Sprains & Strains
LT	8/25/2011	Training			Lacerations & Contusions
LT	8/28/2011	Physical Fitness Exercises			Other Injury
LT	8/28/2011	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
LT	8/29/2011	Technical Rescue			Lacerations & Contusions
LT	8/30/2011	Physical Fitness Exercises			Sprains & Strains
LT	9/17/2011	Emergency Medical			Lacerations & Contusions
LT	9/26/2011	Fire Station			Sprains & Strains
LT	9/26/2011	Training			Sprains & Strains
LT	10/10/2011	Responding to or Returning from Alarm			Sprains & Strains
LT	10/23/2011	Training			Other Injury
LT	10/24/2011	Training			Sprains & Strains
LT	11/23/2011	Emergency Medical			Sprains & Strains
LT	11/27/2011	Training			Burns
LT	11/29/2011	Training			Lacerations & Contusions
LT	12/8/2011	Physical Fitness Exercises			Lacerations & Contusions
LT	12/14/2011	Fire Station			Lacerations & Contusions
LT	12/17/2011	Emergency Medical			Sprains & Strains
LT	1/3/2012	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
LT	1/13/2012	Location Unknown (Other)			Sprains & Strains
LT	1/14/2012	Emergency Medical			Sprains & Strains
LT	1/25/2012	Structural Fire Suppression		Struck by Object	Sprains & Strains
LT	2/5/2012	Fire Station			Cardiac Abnormalities
LT	2/10/2012	Training			Sprains & Strains
LT	2/20/2012	Emergency Medical			Other Injury
LT	3/3/2012	Fire Station			Sprains & Strains
LT	3/13/2012	Physical Fitness Exercises			Other Injury
LT	3/14/2012	Fire Station		Overexertion, Strain	Sprains & Strains
LT	3/18/2012	Emergency Medical			Sprains & Strains
LT	3/24/2012	Responding to or Returning from Alarm			Sprains & Strains

LT	5/25/2012	Physical Fitness Exercises			Sprains & Strains
LT	5/27/2012	Training			Sprains & Strains
LT	6/3/2012	Physical Fitness Exercises			Sprains & Strains
LT	6/5/2012	Training			Sprains & Strains
LT	6/11/2012	Fire Station			Sprains & Strains
LT	6/15/2012	Fire Station			Other Injury
LT	6/19/2012	Physical Fitness Exercises			Sprains & Strains
LT	6/26/2012	Structural Fire Suppression		Struck by Object	Lacerations & Contusions
LT	6/28/2012	Fire Station			Lacerations & Contusions
LT	6/28/2012	Location Unknown (Other)			Other Injury
LT	7/6/2012	Training			HazMat Inhalation (Including Smoke)
LT	7/10/2012	Training			Sprains & Strains
LT	7/14/2012	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
LT	7/15/2012	Training			Sprains & Strains
LT	7/25/2012	Emergency Medical			Sprains & Strains
LT	7/30/2012	Fire Station			Sprains & Strains
LT	8/14/2012	Physical Fitness Exercises			Sprains & Strains
LT	8/15/2012	Responding to or Returning from Alarm			Sprains & Strains
LT	8/17/2012	Training			Sprains & Strains
LT	8/25/2012	Structural Fire Suppression			Sprains & Strains
LT	9/5/2012	Responding to or Returning from Alarm			Other Injury
LT	9/10/2012	Fire Station			Other Injury
LT	9/11/2012	Structural Fire Suppression			Sprains & Strains
LT	9/21/2012	Location Unknown (Other)			Other Injury
LT	9/21/2012	Training			Fractures
LT	9/25/2012	Fire Station			Sprains & Strains
LT	10/12/2012	Fire Station			Other Injury
LT	10/12/2012	Location Unknown (Other)			Sprains & Strains
LT	10/16/2012	Emergency Medical			Sprains & Strains
LT	10/19/2012	Location Unknown (Other)			Other Injury
LT	10/23/2012	Location Unknown (Other)			Sprains & Strains
LT	11/14/2012	Emergency Medical			Other Injury
LT	11/16/2012	Training			Lacerations & Contusions
LT	11/17/2012	Responding to or Returning from Alarm			Lacerations & Contusions
LT	11/23/2012	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
LT	11/26/2012	Training			Other Injury
LT	11/30/2012	Location Unknown (Other)			Lacerations & Contusions
LT	11/30/2012	Location Unknown (Other)			Other Injury
LT	12/3/2012	Location Unknown (Other)			Other Injury
LT	12/10/2012	Emergency Medical			Fractures
LT	12/12/2012	Responding to or Returning from Alarm			Lacerations & Contusions

LT	12/27/2012	Emergency Medical				Sprains & Strains
LT	1/17/2013	Structural Fire Suppression	Exposure to Fire Products			Burns
LT	1/18/2013	Emergency Medical				Sprains & Strains
LT	1/25/2013	Training				Sprains & Strains
LT	1/27/2013	Fire Station				Sprains & Strains
LT	1/31/2013	Emergency Medical				Eye
LT	2/2/2013	Emergency Medical				Sprains & Strains
LT	2/4/2013	Location Unknown (Other)				Cardiac Abnormalities
LT	2/4/2013	Responding to or Returning from Alarm				Lacerations & Contusions
LT	2/5/2013	Training				Sprains & Strains
LT	2/15/2013	Training				Sprains & Strains
LT	2/24/2013	Emergency Medical				Other Injury
LT	2/25/2013	Non-Structural Fire Suppression	Other			Sprains & Strains
LT	3/2/2013	Fire Station				Eye
LT	3/10/2013	Emergency Medical				Sprains & Strains
LT	3/15/2013	Training				Sprains & Strains
LT	3/22/2013	Non-Structural Fire Suppression	Overexertion, Strain			Sprains & Strains
LT	4/2/2013	Training				Sprains & Strains
LT	4/5/2013	Emergency Medical				Sprains & Strains
LT	4/6/2013	Structural Fire Suppression	Other			Sprains & Strains
LT	4/8/2013	Structural Fire Suppression	Fall, Slipped, Jumped, trip			Sprains & Strains
LT	4/11/2013	Emergency Medical				Sprains & Strains
LT	4/11/2013	Training				Lacerations & Contusions
LT	4/21/2013	Physical Fitness Exercises				Lacerations & Contusions
LT	4/26/2013	Emergency Medical				Sprains & Strains
LT	5/1/2013	Training				Sprains & Strains
LT	5/2/2013	Fire Station				Lacerations & Contusions
LT	5/2/2013	Location Unknown (Other)				Eye
LT	5/5/2013	Training				Sprains & Strains
LT	5/9/2013	Training				Other Injury
LT	5/19/2013	Emergency Medical				Sprains & Strains
LT	6/22/2013	Training				Other Injury
LT	7/15/2013	Responding to or Returning from Alarm				Eye
LT	7/20/2013	Fire Station				Other Injury
LT	7/22/2013	Location Unknown (Other)				Sprains & Strains
LT	7/28/2013	Training				Cardiac Abnormalities
LT	7/29/2013	Structural Fire Suppression	Stepped on, Contact with Object			Sprains & Strains
LT	8/13/2013	Emergency Medical				Sprains & Strains
LT	8/14/2013	Fire Station				Sprains & Strains
LT	8/16/2013	Emergency Medical				Lacerations & Contusions
LT	8/19/2013	Emergency Medical				Sprains & Strains
LT	8/19/2013	Emergency Medical				Lacerations & Contusions

LT	8/19/2013	Fire Station			Other Injury
LT	8/23/2013	Emergency Medical			Other Injury
LT	9/3/2013	Physical Fitness Exercises			Sprains & Strains
LT	9/4/2013	Fire Station			Other Injury
LT	9/6/2013	Emergency Medical			Other Injury
LT	9/13/2013	Emergency Medical			Sprains & Strains
LT	9/16/2013	Technical Rescue			Lacerations & Contusions
LT	9/19/2013	Training			Sprains & Strains
LT	9/30/2013	Location Unknown (Other)			Lacerations & Contusions
LT	10/1/2013	Responding to or Returning from Alarm			Other Injury
LT	10/2/2013	Responding to or Returning from Alarm			Sprains & Strains
LT	10/7/2013	Fire Station			Lacerations & Contusions
LT	10/8/2013	Fire Station			Sprains & Strains
LT	10/10/2013	Non-Structural Fire Suppression		Struck by Object	Lacerations & Contusions
LT	11/7/2013	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
LT	11/15/2013	Structural Fire Suppression		Stepped on, Contact with Object	Lacerations & Contusions
LT	12/18/2013	Physical Fitness Exercises			Eye
LT	12/25/2013	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
LT	1/8/2014	Responding to or Returning from Alarm		Exposure to Fire Products	Other Injury
LT	1/8/2014	Training			Other Injury
LT	1/15/2014	Fire Station			Sprains & Strains
LT	1/17/2014	Emergency Medical			Lacerations & Contusions
LT	1/23/2014	Emergency Medical			Sprains & Strains
LT	1/27/2014	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
LT	1/30/2014	Physical Fitness Exercises			Sprains & Strains
LT	2/20/2014	Responding to or Returning from Alarm			Other Injury
LT	2/25/2014	Physical Fitness Exercises			Sprains & Strains
LT	3/3/2014	Physical Fitness Exercises			Sprains & Strains
LT	3/8/2014	Location Unknown (Other)			Other Injury
LT	3/8/2014	Location Unknown (Other)			Sprains & Strains
LT	3/13/2014	Training			Lacerations & Contusions
LT	3/16/2014	Responding to or Returning from Alarm			Other Injury
LT	3/23/2014	Training			Sprains & Strains
LT	3/26/2014	Training			Sprains & Strains
LT	3/27/2014	Training			Sprains & Strains
LT	3/27/2014	Training			Sprains & Strains
LT	4/6/2014	Structural Fire Suppression		Other	Lacerations & Contusions
LT	4/8/2014	Physical Fitness Exercises			Sprains & Strains
LT	4/8/2014	Physical Fitness Exercises			Sprains & Strains
LT	4/20/2014	Structural Fire Suppression		Stepped on, Contact with Object	Burns
LT	5/9/2014	Structural Fire Suppression		Other	Lacerations & Contusions

LT		5/12/2014	Training			Sprains & Strains
LT		5/13/2014	Emergency Medical			Sprains & Strains
LT		5/15/2014	Emergency Medical			Sprains & Strains
LT		5/17/2014	Fire Station			Other Injury
LT-E		11/9/2010	Training			Lacerations & Contusions
LT-E		11/11/2010	Emergency Medical			Sprains & Strains
LT-E		11/19/2010	Emergency Medical			Sprains & Strains
LT-E		11/23/2010	Responding to or Returning from Alarm			Sprains & Strains
LT-E		11/24/2010	Emergency Medical			Sprains & Strains
LT-E		2/15/2011	Location Unknown (Other)			Cardiac Abnormalities
LT-E		2/21/2011	Emergency Medical			Lacerations & Contusions
LT-E		4/2/2011	Emergency Medical			Sprains & Strains
LT-E		4/6/2011	Emergency Medical			Sprains & Strains
LT-E		4/7/2011	Training			Cardiac Abnormalities
LT-E		5/1/2011	Training			Cardiac Abnormalities
LT-E		5/7/2011	Emergency Medical			Lacerations & Contusions
LT-E		5/13/2011	Training			Other Injury
LT-E		6/5/2011	Physical Fitness Exercises			Sprains & Strains
LT-E		7/25/2011	Emergency Medical			Sprains & Strains
LT-E		11/26/2011	Training			Sprains & Strains
LT-E		11/30/2011	Emergency Medical			Sprains & Strains
LT-E		12/7/2011	Fire Station			Other Injury
LT-E		1/1/2012	Emergency Medical			Sprains & Strains
LT-E		1/16/2012	Fire Station			Lacerations & Contusions
LT-E		2/13/2012	Location Unknown (Other)			Fractures
LT-E		2/25/2012	Emergency Medical			Sprains & Strains
LT-E		3/22/2012	Emergency Medical			Lacerations & Contusions
LT-E		4/16/2012	Emergency Medical			Other Injury
LT-E		4/23/2012	Emergency Medical			Sprains & Strains
LT-E		4/24/2012	Location Unknown (Other)			Cardiac Abnormalities
LT-E		5/2/2012	Emergency Medical			Sprains & Strains
LT-E		5/19/2012	Emergency Medical			Other Injury
LT-E		5/22/2012	Emergency Medical			Sprains & Strains
LT-E		6/9/2012	Emergency Medical			Lacerations & Contusions
LT-E		6/13/2012	Emergency Medical			Sprains & Strains
LT-E		6/16/2012	Training			Lacerations & Contusions
LT-E		7/8/2012	Emergency Medical			Sprains & Strains
LT-E		7/17/2012	Physical Fitness Exercises			Cardiac Abnormalities
LT-E		10/5/2012	Emergency Medical			Sprains & Strains
LT-E		10/26/2012	Emergency Medical			Sprains & Strains
LT-E		1/18/2013	Training			Sprains & Strains

LT-E	3/25/2013	Emergency Medical			Sprains & Strains
LT-E	4/28/2013	Emergency Medical			Other Injury
LT-E	5/15/2013	Emergency Medical			Sprains & Strains
LT-E	5/22/2013	Fire Station			Lacerations & Contusions
LT-E	6/12/2013	Location Unknown (Other)			Lacerations & Contusions
LT-E	2/13/2014	Location Unknown (Other)			Lacerations & Contusions
LT-E	5/12/2014	Fire Station			Sprains & Strains
MA I	1/3/2012	Location Unknown (Other)			Lacerations & Contusions
MA I	5/22/2012	Location Unknown (Other)			HazMat Inhalation (Including Smoke)
MECHANIC	11/8/2013	Location Unknown (Other)			Lacerations & Contusions
MMA	1/17/2013	Fire Station			Sprains & Strains
MTECH	11/2/2010	Training			Fractures
MTECH	12/23/2010	Training			Lacerations & Contusions
MTECH	12/25/2010	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
MTECH	12/28/2010	Emergency Medical			Lacerations & Contusions
MTECH	2/17/2011	Location Unknown (Other)			Cardiac Abnormalities
MTECH	2/18/2011	Emergency Medical			Sprains & Strains
MTECH	4/1/2011	Training			Sprains & Strains
MTECH	5/15/2011	Training			Sprains & Strains
MTECH	6/6/2011	Training			Cardiac Abnormalities
MTECH	6/6/2011	Emergency Medical			Sprains & Strains
MTECH	6/22/2011	Fire Station			Sprains & Strains
MTECH	6/28/2011	Fire Station			Sprains & Strains
MTECH	7/19/2011	Training			Heat
MTECH	8/3/2011	Physical Fitness Exercises			Sprains & Strains
MTECH	8/21/2011	Training			Sprains & Strains
MTECH	9/6/2011	Physical Fitness Exercises			Sprains & Strains
MTECH	9/17/2011	Training			Fractures
MTECH	9/25/2011	Responding to or Returning from Alarm		Other	Lacerations & Contusions
MTECH	9/28/2011	Emergency Medical			Sprains & Strains
MTECH	10/5/2011	Emergency Medical			Sprains & Strains
MTECH	10/20/2011	Training			Sprains & Strains
MTECH	10/29/2011	Fire Station			Sprains & Strains
MTECH	11/9/2011	Fire Station			Other Injury
MTECH	11/12/2011	Training			Sprains & Strains
MTECH	12/20/2011	Emergency Medical			Sprains & Strains
MTECH	1/3/2012	Responding to or Returning from Alarm			Sprains & Strains
MTECH	1/6/2012	Fire Station			Other Injury
MTECH	1/14/2012	Emergency Medical			Sprains & Strains
MTECH	1/15/2012	Training			Sprains & Strains
MTECH	1/25/2012	Training			Lacerations & Contusions

MTECH	2/9/2012	Emergency Medical			Sprains & Strains
MTECH	2/20/2012	Fire Station			Lacerations & Contusions
MTECH	3/12/2012	Fire Station			Sprains & Strains
MTECH	3/13/2012	Physical Fitness Exercises			Sprains & Strains
MTECH	3/17/2012	Responding to or Returning from Alarm			Sprains & Strains
MTECH	3/23/2012	Physical Fitness Exercises			Sprains & Strains
MTECH	3/30/2012	Training			Other Injury
MTECH	4/8/2012	Emergency Medical			Other Injury
MTECH	4/9/2012	Technical Rescue			Lacerations & Contusions
MTECH	4/12/2012	Training			Lacerations & Contusions
MTECH	4/14/2012	Structural Fire Suppression			Lacerations & Contusions
MTECH	4/20/2012	Location Unknown (Other)		Struck by Object	Lacerations & Contusions
MTECH	4/21/2012	Emergency Medical			Other Injury
MTECH	4/28/2012	Training			Sprains & Strains
MTECH	4/28/2012	Training			HazMat Inhalation (Including Smoke)
MTECH	5/12/2012	Fire Station			HazMat Inhalation (Including Smoke)
MTECH	5/21/2012	Physical Fitness Exercises			Sprains & Strains
MTECH	5/30/2012	Fire Station			Sprains & Strains
MTECH	6/4/2012	Fire Station			Eye
MTECH	6/9/2012	Training			Sprains & Strains
MTECH	6/12/2012	Training			Other Injury
MTECH	6/16/2012	Training			Heat
MTECH	6/28/2012	Structural Fire Suppression		Stepped on, Contact with Object	Sprains & Strains
MTECH	7/9/2012	Fire Station			Sprains & Strains
MTECH	7/15/2012	Training			Cardiac Abnormalities
MTECH	7/21/2012	Training			Sprains & Strains
MTECH	7/22/2012	Non-Structural Fire Suppression		Stepped on, Contact with Object	Sprains & Strains
MTECH	7/28/2012	Training			Sprains & Strains
MTECH	8/7/2012	Training			Other Injury
MTECH	9/14/2012	Training			Lacerations & Contusions
MTECH	10/3/2012	Training			Sprains & Strains
MTECH	10/6/2012	Fire Station			Sprains & Strains
MTECH	10/15/2012	Fire Station			Lacerations & Contusions
MTECH	10/15/2012	Training			Cardiac Abnormalities
MTECH	10/19/2012	Location Unknown (Other)			Sprains & Strains
MTECH	10/21/2012	Training			Lacerations & Contusions
MTECH	11/4/2012	Fire Station			Lacerations & Contusions
MTECH	11/15/2012	Training			Sprains & Strains
MTECH	11/18/2012	Training			Sprains & Strains
MTECH	12/17/2012	Fire Station			Sprains & Strains
MTECH	12/23/2012	Responding to or Returning from Alarm			Sprains & Strains

MTECH	1/2/2013	Emergency Medical				Lacerations & Contusions
MTECH	1/13/2013	Training				Lacerations & Contusions
MTECH	1/18/2013	Non-Structural Fire Suppression			Fall, Slipped, Jumped, trip	Sprains & Strains
MTECH	1/19/2013	Structural Fire Suppression			Stepped on, Contact with Object	Other Injury
MTECH	1/21/2013	Structural Fire Suppression			Fall, Slipped, Jumped, trip	Sprains & Strains
MTECH	2/2/2013	Training				Lacerations & Contusions
MTECH	2/6/2013	Technical Rescue			Struck by Object	Lacerations & Contusions
MTECH	2/7/2013	Fire Station				Burns
MTECH	2/26/2013	Emergency Medical				Sprains & Strains
MTECH	3/1/2013	Physical Fitness Exercises				Sprains & Strains
MTECH	3/1/2013	Training				Eye
MTECH	3/2/2013	Fire Station				Sprains & Strains
MTECH	3/2/2013	Fire Station				Sprains & Strains
MTECH	3/5/2013	Location Unknown (Other)				Sprains & Strains
MTECH	3/10/2013	Fire Station				Other Injury
MTECH	3/15/2013	Training				Sprains & Strains
MTECH	3/28/2013	Structural Fire Suppression			Stepped on, Contact with Object	Sprains & Strains
MTECH	4/1/2013	Training				Sprains & Strains
MTECH	4/10/2013	Training				Lacerations & Contusions
MTECH	4/11/2013	Training				Sprains & Strains
MTECH	4/16/2013	Emergency Medical				Sprains & Strains
MTECH	4/22/2013	Fire Station				Cardiac Abnormalities
MTECH	5/3/2013	Fire Station				Sprains & Strains
MTECH	5/23/2013	Fire Station				Sprains & Strains
MTECH	5/26/2013	Emergency Medical				Sprains & Strains
MTECH	5/28/2013	Fire Station				Fractures
MTECH	5/30/2013	Emergency Medical				Sprains & Strains
MTECH	5/30/2013	Physical Fitness Exercises				Lacerations & Contusions
MTECH	7/13/2013	Fire Station				Lacerations & Contusions
MTECH	8/1/2013	Structural Fire Suppression			Fall, Slipped, Jumped, trip	Sprains & Strains
MTECH	8/11/2013	Fire Station				Sprains & Strains
MTECH	8/19/2013	Location Unknown (Other)				Other Injury
MTECH	8/21/2013	Fire Station				Other Injury
MTECH	8/22/2013	Fire Station				Other Injury
MTECH	8/28/2013	Physical Fitness Exercises				Sprains & Strains
MTECH	8/29/2013	Responding to or Returning from Alarm				Lacerations & Contusions
MTECH	8/31/2013	Fire Station				Sprains & Strains
MTECH	9/1/2013	Structural Fire Suppression			Overexertion, Strain	Heat
MTECH	9/3/2013	Location Unknown (Other)				Sprains & Strains
MTECH	9/6/2013	Physical Fitness Exercises				Sprains & Strains
MTECH	9/10/2013	Location Unknown (Other)				Sprains & Strains

MTECH	9/13/2013	Training				Lacerations & Contusions
MTECH	9/18/2013	Structural Fire Suppression		Fall, Slipped, Jumped, trip		Lacerations & Contusions
MTECH	10/10/2013	Physical Fitness Exercises				Sprains & Strains
MTECH	10/12/2013	Emergency Medical				Lacerations & Contusions
MTECH	10/12/2013	Fire Station				Other Injury
MTECH	10/12/2013	Structural Fire Suppression		Stepped on, Contact with Object		Lacerations & Contusions
MTECH	10/14/2013	Emergency Medical				Sprains & Strains
MTECH	10/23/2013	Fire Station				Sprains & Strains
MTECH	11/1/2013	Emergency Medical				Sprains & Strains
MTECH	11/29/2013	Fire Station				Lacerations & Contusions
MTECH	12/4/2013	Training				Other Injury
MTECH	12/7/2013	Training				Lacerations & Contusions
MTECH	12/14/2013	Fire Station				Sprains & Strains
MTECH	12/19/2013	Structural Fire Suppression				Sprains & Strains
MTECH	12/23/2013	Fire Station				Sprains & Strains
MTECH	12/27/2013	Structural Fire Suppression		Stepped on, Contact with Object		Sprains & Strains
MTECH	1/6/2014	Training				Burns
MTECH	1/7/2014	Structural Fire Suppression		Stepped on, Contact with Object		Eye
MTECH	1/28/2014	Technical Rescue				Lacerations & Contusions
MTECH	1/29/2014	Emergency Medical				Sprains & Strains
MTECH	2/11/2014	Emergency Medical				Sprains & Strains
MTECH	2/13/2014	Responding to or Returning from Alarm				Other Injury
MTECH	2/13/2014	Responding to or Returning from Alarm				Sprains & Strains
MTECH	2/15/2014	Fire Station				Sprains & Strains
MTECH	2/24/2014	Fire Station				Sprains & Strains
MTECH	3/3/2014	Structural Fire Suppression		Fall, Slipped, Jumped, trip		Sprains & Strains
MTECH	3/5/2014	Fire Station				Lacerations & Contusions
MTECH	4/5/2014	Fire Station				Sprains & Strains
MTECH	4/7/2014	Fire Station				Sprains & Strains
MTECH	4/28/2014	Location Unknown (Other)				Sprains & Strains
MTECH	5/1/2014	Emergency Medical				Sprains & Strains
MTECH	5/5/2014	Fire Station				Lacerations & Contusions
MTECH	5/9/2014	Structural Fire Suppression		Overexertion, Strain		Sprains & Strains
MTECH-CI	11/10/2010	Location Unknown (Other)				Sprains & Strains
MTECH-CI	5/3/2011	Training				Fractures
MTECH-CI	9/8/2011	Technical Rescue				Sprains & Strains
MTECH-CI	10/20/2011	Training				Sprains & Strains
MTECH-CI	5/7/2013	Training				Lacerations & Contusions
MTECH-CI	5/12/2013	Fire Station				Sprains & Strains
MTECH-CI	2/13/2014	Location Unknown (Other)				Sprains & Strains
MTECH-E	4/6/2011	Emergency Medical				Lacerations & Contusions

	MTECH-E	6/6/2011	Training			Sprains & Strains
	MTECH-E	7/27/2013	Training			Sprains & Strains
	MTECH-HM	11/20/2010	Training			Sprains & Strains
	MTECH-HM	3/21/2011	Location Unknown (Other)			Sprains & Strains
	MTECH-HM	5/12/2011	Responding to or Returning from Alarm			Sprains & Strains
	MTECH-HM	6/25/2011	Training			Sprains & Strains
	MTECH-HM	10/31/2011	Fire Station			Lacerations & Contusions
	MTECH-HM	11/4/2011	Fire Station			Sprains & Strains
	MTECH-HM	11/17/2011	Responding to or Returning from Alarm	Fall, Slipped, Jumped, trip		Other Injury
	MTECH-HM	6/20/2012	Training			Cardiac Abnormalities
	MTECH-HM	7/30/2012	Location Unknown (Other)			Other Injury
	NT Analyst	8/23/2011	Location Unknown (Other)			Sprains & Strains
	NURS PRAC	4/28/2012	Training			HazMat Inhalation (Including Smoke)
	NURS PRAC	7/17/2012	Location Unknown (Other)			Sprains & Strains
	NURS PRAC	4/16/2014	Physical Fitness Exercises			Sprains & Strains
	PFF	6/6/2012	Fire Station			Lacerations & Contusions
	PFF	8/25/2012	Structural Fire Suppression			Other Injury
	RANK INSP II	4/7/2014	Location Unknown (Other)			Lacerations & Contusions
	RETIRED	3/27/2013	Emergency Medical			Other Injury
	RFF	11/16/2010	Training			Sprains & Strains
	RFF	11/22/2010	Training			Fractures
	RFF	2/2/2011	Training			Lacerations & Contusions
	RFF	5/9/2011	Training			Other Injury
	RFF	5/23/2011	Training			Sprains & Strains
	RFF	5/26/2011	Physical Fitness Exercises			Sprains & Strains
	RFF	6/8/2011	Training			Lacerations & Contusions
	RFF	6/14/2011	Location Unknown (Other)			Eye
	RFF	6/28/2011	Training			Lacerations & Contusions
	RFF	7/7/2011	Training			Burns
	RFF	7/9/2011	Training			Burns
	RFF	7/26/2011	Training			Other Injury
	RFF	8/2/2011	Physical Fitness Exercises			Other Injury
	RFF	11/14/2011	Physical Fitness Exercises			Sprains & Strains
	RFF	12/1/2011	Physical Fitness Exercises			Sprains & Strains
	RFF	12/27/2011	Training			Sprains & Strains
	RFF	1/9/2012	Training			Sprains & Strains
	RFF	1/17/2012	Training			Sprains & Strains
	RFF	1/17/2012	Training			Sprains & Strains
	RFF	1/17/2012	Training			Sprains & Strains
	RFF	1/24/2012	Location Unknown (Other)			Other Injury
	RFF	1/26/2012	Location Unknown (Other)			Other Injury

RFF	3/30/2012	Fire Station		Sprains & Strains
RFF	4/6/2012	Training		Sprains & Strains
RFF	4/16/2012	Physical Fitness Exercises		Other Injury
RFF	4/26/2012	Training		Other Injury
RFF	5/11/2012	Training		Sprains & Strains
RFF	5/14/2012	Training		Sprains & Strains
RFF	7/24/2012	Training		Sprains & Strains
RFF	10/15/2012	Training		Sprains & Strains
RFF	11/21/2012	Training		Sprains & Strains
RFF	11/27/2012	Physical Fitness Exercises		Sprains & Strains
RFF	11/30/2012	Training		Lacerations & Contusions
RFF	1/3/2013	Training		Other Injury
RFF	1/11/2013	Physical Fitness Exercises		Sprains & Strains
RFF	6/4/2013	Training		Sprains & Strains
RFF	6/21/2013	Training		Other Injury
RFF	7/16/2013	Training		Sprains & Strains
RFF	7/30/2013	Training		Lacerations & Contusions
RFF	7/30/2013	Training		Other Injury
RFF	8/6/2013	Physical Fitness Exercises		Other Injury
RFF	8/8/2013	Training		Sprains & Strains
RFF	8/8/2013	Training		Sprains & Strains
RFF	9/19/2013	Training		Sprains & Strains
RFF	9/19/2013	Training		Sprains & Strains
RFF	10/7/2013	Physical Fitness Exercises		Sprains & Strains
RFF	10/19/2013	Training		Sprains & Strains
RFF	2/10/2014	Physical Fitness Exercises		Cardiac Abnormalities
RFF	2/10/2014	Physical Fitness Exercises		Other Injury
RFF	2/25/2014	Physical Fitness Exercises		Cardiac Abnormalities
RFF	2/25/2014	Physical Fitness Exercises		Sprains & Strains
RFF	3/4/2014	Physical Fitness Exercises		Sprains & Strains
RFF	3/5/2014	Physical Fitness Exercises		Sprains & Strains
RFF	3/6/2014	Physical Fitness Exercises		Sprains & Strains
RFF	3/11/2014	Physical Fitness Exercises		Sprains & Strains
RFF	3/12/2014	Training		Lacerations & Contusions
RFF	3/19/2014	Physical Fitness Exercises		Sprains & Strains
RFF	3/19/2014	Physical Fitness Exercises		Sprains & Strains
RFF	4/1/2014	Training		Lacerations & Contusions
RFF	4/2/2014	Physical Fitness Exercises		Sprains & Strains
RFF	4/7/2014	Physical Fitness Exercises		Sprains & Strains
RFF	4/14/2014	Physical Fitness Exercises		Other Injury
RFF	4/14/2014	Training		Sprains & Strains

TECH	TECH	4/24/2014	Physical Fitness Exercises		Sprains & Strains
TECH	TECH	4/24/2014	Physical Fitness Exercises		Sprains & Strains
TECH	TECH	5/6/2014	Training		Other Injury
SBI	SBI	5/17/2012	Location Unknown (Other)		Other Injury
SBI	SBI	2/7/2013	Location Unknown (Other)		Other Injury
SBI	SBI	6/27/2013	Location Unknown (Other)		Other Injury
TECH	TECH	11/18/2010	Emergency Medical		Sprains & Strains
TECH	TECH	11/18/2010	Fire Station		Sprains & Strains
TECH	TECH	11/21/2010	Physical Fitness Exercises		Sprains & Strains
TECH	TECH	11/29/2010	Technical Rescue		Lacerations & Contusions
TECH	TECH	1/6/2011	Physical Fitness Exercises		Sprains & Strains
TECH	TECH	1/20/2011	Responding to or Returning from Alarm		Sprains & Strains
TECH	TECH	1/22/2011	Structural Fire Suppression	Overexertion, Strain	Sprains & Strains
TECH	TECH	1/26/2011	Training		Cardiac Abnormalities
TECH	TECH	2/5/2011	Emergency Medical		Fractures
TECH	TECH	2/13/2011	Training		Sprains & Strains
TECH	TECH	2/19/2011	Physical Fitness Exercises		Sprains & Strains
TECH	TECH	3/1/2011	Fire Station		Other Injury
TECH	TECH	3/4/2011	Fire Station		Sprains & Strains
TECH	TECH	3/12/2011	Training		Eye
TECH	TECH	3/19/2011	Fire Station		Sprains & Strains
TECH	TECH	3/20/2011	Physical Fitness Exercises		Sprains & Strains
TECH	TECH	4/1/2011	Training		Sprains & Strains
TECH	TECH	4/24/2011	Physical Fitness Exercises		Lacerations & Contusions
TECH	TECH	4/28/2011	Training		Lacerations & Contusions
TECH	TECH	5/1/2011	Training		Sprains & Strains
TECH	TECH	5/6/2011	Training		Cardiac Abnormalities
TECH	TECH	5/22/2011	Fire Station		Lacerations & Contusions
TECH	TECH	5/27/2011	Fire Station		Lacerations & Contusions
TECH	TECH	6/3/2011	Emergency Medical		Sprains & Strains
TECH	TECH	6/3/2011	Emergency Medical		Sprains & Strains
TECH	TECH	6/8/2011	Fire Station		Lacerations & Contusions
TECH	TECH	6/23/2011	Location Unknown (Other)		Lacerations & Contusions
TECH	TECH	6/25/2011	Training		Sprains & Strains
TECH	TECH	6/25/2011	Training		Sprains & Strains
TECH	TECH	7/1/2011	Structural Fire Suppression	Overexertion, Strain	Heat
TECH	TECH	7/13/2011	Location Unknown (Other)		Sprains & Strains
TECH	TECH	7/17/2011	Training		Sprains & Strains
TECH	TECH	7/18/2011	Training		Lacerations & Contusions
TECH	TECH	7/20/2011	Location Unknown (Other)		Other Injury
TECH	TECH	7/21/2011	Non-Structural Fire Suppression	Fall, Slipped, Jumped, trip	Sprains & Strains

TECH	7/24/2011	Fire Station				Lacerations & Contusions
TECH	7/31/2011	Fire Station				Other Injury
TECH	8/1/2011	Training				Other Injury
TECH	8/6/2011	Structural Fire Suppression			Exposure to Fire Products	Burns
TECH	8/6/2011	Structural Fire Suppression			Struck by Object	Lacerations & Contusions
TECH	8/6/2011	Structural Fire Suppression			Extreme Weather	Other Injury
TECH	8/9/2011	Training				Other Injury
TECH	8/11/2011	Location Unknown (Other)				Other Injury
TECH	8/15/2011	Fire Station				Sprains & Strains
TECH	8/24/2011	Non-Structural Fire Suppression			Overexertion, Strain	Sprains & Strains
TECH	8/28/2011	Structural Fire Suppression			Fall, Slipped, Jumped, trip	Sprains & Strains
TECH	9/1/2011	Fire Station				Cardiac Abnormalities
TECH	9/8/2011	Technical Rescue				Sprains & Strains
TECH	9/8/2011	Technical Rescue				Sprains & Strains
TECH	9/18/2011	Fire Station				Sprains & Strains
TECH	9/30/2011	Training				Burns
TECH	10/4/2011	Structural Fire Suppression			Overexertion, Strain	Lacerations & Contusions
TECH	10/8/2011	Emergency Medical				Sprains & Strains
TECH	10/10/2011	Non-Structural Fire Suppression			Overexertion, Strain	Sprains & Strains
TECH	10/19/2011	Training				Lacerations & Contusions
TECH	10/29/2011	Technical Rescue			Stepped on, Contact with Object	Other Injury
TECH	10/30/2011	Fire Station				Sprains & Strains
TECH	11/9/2011	Structural Fire Suppression			Struck by Object	Lacerations & Contusions
TECH	11/15/2011	Training				Sprains & Strains
TECH	11/16/2011	Structural Fire Suppression			Fall, Slipped, Jumped, trip	Sprains & Strains
TECH	11/20/2011	Fire Station				Lacerations & Contusions
TECH	11/27/2011	Fire Station				Burns
TECH	12/1/2011	Responding to or Returning from Alarm				Sprains & Strains
TECH	12/5/2011	Emergency Medical				Sprains & Strains
TECH	12/14/2011	Fire Station				Lacerations & Contusions
TECH	1/7/2012	Emergency Medical				Sprains & Strains
TECH	1/23/2012	Location Unknown (Other)				Other Injury
TECH	1/25/2012	Structural Fire Suppression			Fall, Slipped, Jumped, trip	Sprains & Strains
TECH	2/6/2012	Emergency Medical				Sprains & Strains
TECH	2/10/2012	Physical Fitness Exercises				Sprains & Strains
TECH	2/12/2012	Fire Station				Lacerations & Contusions
TECH	2/27/2012	Emergency Medical				Lacerations & Contusions
TECH	3/3/2012	Emergency Medical				Sprains & Strains
TECH	3/8/2012	Location Unknown (Other)				Sprains & Strains
TECH	3/9/2012	Physical Fitness Exercises				Sprains & Strains
TECH	3/10/2012	Training				Sprains & Strains

TECH	3/16/2012	Emergency Medical			Sprains & Strains
TECH	3/17/2012	Fire Station			Sprains & Strains
TECH	3/31/2012	Training			Lacerations & Contusions
TECH	3/31/2012	Training			Sprains & Strains
TECH	4/18/2012	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
TECH	4/28/2012	Training			HazMat Inhalation (Including Smoke)
TECH	5/4/2012	Location Unknown (Other)			Lacerations & Contusions
TECH	5/6/2012	Structural Fire Suppression		Other	Sprains & Strains
TECH	5/7/2012	Emergency Medical			Sprains & Strains
TECH	6/5/2012	Location Unknown (Other)			Other Injury
TECH	6/9/2012	Fire Station			Other Injury
TECH	7/14/2012	Fire Station			Burns
TECH	7/15/2012	Training			Sprains & Strains
TECH	8/2/2012	Training			Sprains & Strains
TECH	8/3/2012	Emergency Medical			Sprains & Strains
TECH	8/3/2012	Fire Station Activity			Sprains & Strains
TECH	8/9/2012	Physical Fitness Exercises			Sprains & Strains
TECH	8/12/2012	Fire Station Activity			Other Injury
TECH	8/21/2012	Location Unknown (Other)			Cardiac Abnormalities
TECH	9/7/2012	Emergency Medical			Sprains & Strains
TECH	9/10/2012	Location Unknown (Other)			Other Injury
TECH	9/17/2012	Location Unknown (Other)			Other Injury
TECH	9/22/2012	Training			Sprains & Strains
TECH	9/24/2012	Emergency Medical			Sprains & Strains
TECH	9/28/2012	Location Unknown (Well-Fit)			Sprains & Strains
TECH	9/29/2012	Emergency Medical			Sprains & Strains
TECH	9/29/2012	Training			Sprains & Strains
TECH	10/11/2012	Location Unknown (Well-Fit)			Other Injury
TECH	10/16/2012	Location Unknown (Other)			Cardiac Abnormalities
TECH	10/30/2012	Emergency Medical			Sprains & Strains
TECH	10/30/2012	Technical Rescue			Other Injury
TECH	10/30/2012	Technical Rescue			Sprains & Strains
TECH	10/31/2012	Structural Fire Suppression			Lacerations & Contusions
TECH	11/3/2012	Emergency Medical			Sprains & Strains
TECH	11/10/2012	Training			Sprains & Strains
TECH	11/17/2012	Structural Fire Suppression		Stepped on, Contact with Object	Fractures
TECH	11/21/2012	Training			Burns
TECH	12/2/2012	Training			Sprains & Strains
TECH	12/19/2012	Training			Sprains & Strains
TECH	1/3/2013	Fire Station			Sprains & Strains
TECH	1/4/2013	Fire Station			Sprains & Strains

TECH	1/4/2013	Location Unknown (Other)			Sprains & Strains
TECH	1/11/2013	Physical Fitness Exercises			Sprains & Strains
TECH	1/21/2013	Structural Fire Suppression	Struck by Object		Lacerations & Contusions
TECH	1/25/2013	Training			Other Injury
TECH	2/11/2013	Location Unknown (Other)			Other Injury
TECH	2/17/2013	Structural Fire Suppression	Fall, Slipped, Jumped, trip		Lacerations & Contusions
TECH	2/20/2013	Responding to or Returning from Alarm			Sprains & Strains
TECH	2/22/2013	Emergency Medical			Other Injury
TECH	2/23/2013	Location Unknown (Other)			Lacerations & Contusions
TECH	3/6/2013	Emergency Medical			Sprains & Strains
TECH	3/15/2013	Location Unknown (Other)			Other Injury
TECH	3/15/2013	Training			Lacerations & Contusions
TECH	3/19/2013	Location Unknown (Other)			Eye
TECH	3/22/2013	Structural Fire Suppression	Overexertion, Strain		Sprains & Strains
TECH	3/26/2013	Emergency Medical			Other Injury
TECH	3/31/2013	Responding to or Returning from Alarm			Other Injury
TECH	4/4/2013	Emergency Medical			Lacerations & Contusions
TECH	4/4/2013	Training			Lacerations & Contusions
TECH	4/4/2013	Training	Other		Lacerations & Contusions
TECH	4/10/2013	Structural Fire Suppression			Burns
TECH	4/10/2013	Structural Fire Suppression	Overexertion, Strain		Heat
TECH	4/22/2013	Physical Fitness Exercises			Sprains & Strains
TECH	4/26/2013	Training			Sprains & Strains
TECH	5/3/2013	Emergency Medical			Sprains & Strains
TECH	5/11/2013	Physical Fitness Exercises			Sprains & Strains
TECH	5/15/2013	Physical Fitness Exercises			Sprains & Strains
TECH	5/17/2013	Training			Lacerations & Contusions
TECH	5/27/2013	Emergency Medical			Sprains & Strains
TECH	5/29/2013	Technical Rescue			Lacerations & Contusions
TECH	5/30/2013	Emergency Medical			Sprains & Strains
TECH	5/30/2013	Responding to or Returning from Alarm			Lacerations & Contusions
TECH	6/2/2013	Fire Station			Sprains & Strains
TECH	6/5/2013	Location Unknown (Other)			Lacerations & Contusions
TECH	6/11/2013	Physical Fitness Exercises			Sprains & Strains
TECH	6/12/2013	Emergency Medical			Sprains & Strains
TECH	6/23/2013	Training			Sprains & Strains
TECH	7/1/2013	Fire Station			Cardiac Abnormalities
TECH	7/4/2013	Emergency Medical			Sprains & Strains
TECH	7/5/2013	Emergency Medical			Sprains & Strains
TECH	7/9/2013	Training			Sprains & Strains
TECH	7/18/2013	Location Unknown (Other)			Cardiac Abnormalities

TECH	7/19/2013	Training			Sprains & Strains
TECH	7/21/2013	Training			Sprains & Strains
TECH	7/27/2013	Fire Station			Other Injury
TECH	8/13/2013	Physical Fitness Exercises			Lacerations & Contusions
TECH	8/14/2013	Location Unknown (Other)			Other Injury
TECH	8/16/2013	Responding to or Returning from Alarm			Sprains & Strains
TECH	8/20/2013	Structural Fire Suppression		Stepped on, Contact with Object	Lacerations & Contusions
TECH	8/21/2013	Fire Station			Other Injury
TECH	8/22/2013	Location Unknown (Other)			Sprains & Strains
TECH	8/24/2013	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
TECH	8/27/2013	Emergency Medical			Sprains & Strains
TECH	9/8/2013	Physical Fitness Exercises			Sprains & Strains
TECH	9/9/2013	Location Unknown (Other)			Heat
TECH	9/15/2013	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
TECH	9/18/2013	Physical Fitness Exercises			Sprains & Strains
TECH	9/19/2013	Training			Other Injury
TECH	10/7/2013	Emergency Medical			Sprains & Strains
TECH	10/7/2013	Responding to or Returning from Alarm			Lacerations & Contusions
TECH	10/12/2013	Fire Station			Sprains & Strains
TECH	10/26/2013	Physical Fitness Exercises			Sprains & Strains
TECH	10/30/2013	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
TECH	11/6/2013	HazMat Transportation			Sprains & Strains
TECH	11/28/2013	Fire Station			Other Injury
TECH	11/29/2013	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
TECH	12/11/2013	Structural Fire Suppression		Stepped on, Contact with Object	Sprains & Strains
TECH	12/12/2013	Fire Station			Other Injury
TECH	12/19/2013	Emergency Medical			Sprains & Strains
TECH	12/19/2013	Physical Fitness Exercises			Sprains & Strains
TECH	12/30/2013	Emergency Medical			Lacerations & Contusions
TECH	12/30/2013	Fire Station			Cardiac Abnormalities
TECH	1/8/2014	Fire Station			Other Injury
TECH	1/8/2014	Structural Fire Suppression		Other	Eye
TECH	1/10/2014	Fire Station			Sprains & Strains
TECH	1/13/2014	Responding to or Returning from Alarm			Sprains & Strains
TECH	1/22/2014	Fire Station			Sprains & Strains
TECH	1/29/2014	Training			Lacerations & Contusions
TECH	2/13/2014	Responding to or Returning from Alarm			Sprains & Strains
TECH	3/3/2014	Fire Station			Sprains & Strains
TECH	3/27/2014	Training			Sprains & Strains
TECH	3/28/2014	HazMat Fixed Site			Lacerations & Contusions
TECH	4/2/2014	Training			Sprains & Strains

TECH	4/12/2014	Training		Sprains & Strains
TECH	4/13/2014	Emergency Medical		Other Injury
TECH	4/23/2014	Fire Station		Lacerations & Contusions
TECH	5/1/2014	Physical Fitness Exercises		Sprains & Strains
TECH	5/13/2014	Fire Station		HazMat Exposure (Non-Inhalation)
TECH	5/14/2014	Structural Fire Suppression	Other	Sprains & Strains
TECH-CI	12/30/2010	Fire Station		Sprains & Strains
TECH-CI	1/6/2011	Fire Station		Lacerations & Contusions
TECH-CI	1/23/2011	Training		Lacerations & Contusions
TECH-CI	1/30/2011	Technical Rescue		Sprains & Strains
TECH-CI	3/16/2011	Technical Rescue		Lacerations & Contusions
TECH-CI	4/6/2011	Fire Station		Sprains & Strains
TECH-CI	4/14/2011	Training		Sprains & Strains
TECH-CI	4/28/2011	Training		Sprains & Strains
TECH-CI	6/8/2011	Location Unknown (Other)		Lacerations & Contusions
TECH-CI	7/16/2011	Location Unknown (Other)		Sprains & Strains
TECH-CI	8/5/2011	Training		Lacerations & Contusions
TECH-CI	8/16/2011	Training		Lacerations & Contusions
TECH-CI	8/24/2011	Emergency Medical		Sprains & Strains
TECH-CI	9/6/2011	Responding to or Returning from Alarm		Other Injury
TECH-CI	10/3/2011	Training		Lacerations & Contusions
TECH-CI	10/8/2011	Training		Lacerations & Contusions
TECH-CI	10/10/2011	Physical Fitness Exercises		Other Injury
TECH-CI	10/23/2011	Training		Sprains & Strains
TECH-CI	11/26/2011	Training		Sprains & Strains
TECH-CI	12/12/2011	Non-Structural Fire Suppression	Fall, Slipped, Jumped, trip	Sprains & Strains
TECH-CI	1/21/2012	Fire Station		Sprains & Strains
TECH-CI	2/1/2012	Location Unknown (Other)		Other Injury
TECH-CI	2/13/2012	Emergency Medical		Lacerations & Contusions
TECH-CI	4/4/2012	Technical Rescue		Sprains & Strains
TECH-CI	4/20/2012	Physical Fitness Exercises		Sprains & Strains
TECH-CI	5/7/2012	Training		Sprains & Strains
TECH-CI	5/9/2012	Training		Sprains & Strains
TECH-CI	6/20/2012	Structural Fire Suppression	Stepped on, Contact with Object	Lacerations & Contusions
TECH-CI	10/8/2012	Fire Station		Eye
TECH-CI	10/12/2012	Training		Lacerations & Contusions
TECH-CI	10/18/2012	Location Unknown (Other)		Other Injury
TECH-CI	12/2/2012	Responding to or Returning from Alarm		Lacerations & Contusions
TECH-CI	1/21/2013	Non-Structural Fire Suppression		Sprains & Strains
TECH-CI	1/30/2013	Emergency Medical		Lacerations & Contusions
TECH-CI	2/2/2013	Structural Fire Suppression	Overexertion, Strain	Sprains & Strains

TECH-CI	2/14/2013	Emergency Medical			Lacerations & Contusions
TECH-CI	4/30/2013	Training			Sprains & Strains
TECH-CI	2/26/2014	Training			Sprains & Strains
TECH-CI	4/2/2014	Training			Other Injury
TECH-CI	4/7/2014	Training			Sprains & Strains
TECH-CI	5/4/2014	Fire Station			Lacerations & Contusions
TECH-CI	5/5/2014	Physical Fitness Exercises			Sprains & Strains
TECH-E	11/11/2010	Fire Station			Sprains & Strains
TECH-E	11/13/2010	Emergency Medical			Sprains & Strains
TECH-E	11/18/2010	Fire Station			Burns
TECH-E	11/29/2010	Emergency Medical			Sprains & Strains
TECH-E	12/17/2010	Location Unknown (Other)			Lacerations & Contusions
TECH-E	12/29/2010	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
TECH-E	1/17/2011	Emergency Medical			Sprains & Strains
TECH-E	1/22/2011	Structural Fire Suppression		Other	Lacerations & Contusions
TECH-E	1/22/2011	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
TECH-E	1/24/2011	Physical Fitness Exercises			Lacerations & Contusions
TECH-E	1/30/2011	Training			Lacerations & Contusions
TECH-E	2/8/2011	Fire Station			Cardiac Abnormalities
TECH-E	2/11/2011	Emergency Medical			Sprains & Strains
TECH-E	2/15/2011	Structural Fire Suppression		Exposure to Fire Products	Burns
TECH-E	2/17/2011	Emergency Medical			Lacerations & Contusions
TECH-E	2/25/2011	Emergency Medical			Sprains & Strains
TECH-E	2/27/2011	Emergency Medical			Sprains & Strains
TECH-E	3/8/2011	Fire Station			Sprains & Strains
TECH-E	3/18/2011	Fire Station			Sprains & Strains
TECH-E	3/18/2011	Training			Sprains & Strains
TECH-E	3/21/2011	Physical Fitness Exercises			Sprains & Strains
TECH-E	3/22/2011	Physical Fitness Exercises			Sprains & Strains
TECH-E	3/24/2011	Physical Fitness Exercises			Sprains & Strains
TECH-E	4/1/2011	Physical Fitness Exercises			Sprains & Strains
TECH-E	4/4/2011	Emergency Medical			Sprains & Strains
TECH-E	4/4/2011	Non-Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
TECH-E	4/5/2011	Training			Sprains & Strains
TECH-E	4/15/2011	Fire Station			Lacerations & Contusions
TECH-E	4/19/2011	Emergency Medical			Sprains & Strains
TECH-E	4/20/2011	Emergency Medical			Sprains & Strains
TECH-E	4/20/2011	Training			Other Injury
TECH-E	4/22/2011	Training			Sprains & Strains
TECH-E	5/3/2011	Emergency Medical			Sprains & Strains
TECH-E	5/4/2011	Emergency Medical			Sprains & Strains

TECH-E	5/20/2011	Location Unknown (Other)			HazMat Inhalation (Including Smoke)
TECH-E	5/26/2011	Training			Sprains & Strains
TECH-E	5/27/2011	Training			Sprains & Strains
TECH-E	6/9/2011	Emergency Medical			Sprains & Strains
TECH-E	6/15/2011	Emergency Medical			Sprains & Strains
TECH-E	6/28/2011	Structural Fire Suppression		Overexertion, Strain	Sprains & Strains
TECH-E	6/30/2011	Structural Fire Suppression		Overexertion, Strain	Heat
TECH-E	6/30/2011	Training			Lacerations & Contusions
TECH-E	7/8/2011	Training			Sprains & Strains
TECH-E	7/18/2011	Training			Other Injury
TECH-E	7/26/2011	Fire Station			Sprains & Strains
TECH-E	8/5/2011	Physical Fitness Exercises			Lacerations & Contusions
TECH-E	8/6/2011	Structural Fire Suppression			Lacerations & Contusions
TECH-E	8/17/2011	Emergency Medical			Sprains & Strains
TECH-E	8/25/2011	Training			Lacerations & Contusions
TECH-E	9/26/2011	Training			Burns
TECH-E	9/26/2011	Training			Other Injury
TECH-E	10/10/2011	Location Unknown (Other)			Sprains & Strains
TECH-E	10/17/2011	Emergency Medical			Sprains & Strains
TECH-E	10/27/2011	Training			Sprains & Strains
TECH-E	11/3/2011	Emergency Medical			Lacerations & Contusions
TECH-E	11/4/2011	Emergency Medical			Sprains & Strains
TECH-E	11/8/2011	Fire Station			Lacerations & Contusions
TECH-E	11/10/2011	Fire Station			Sprains & Strains
TECH-E	11/28/2011	Training			Sprains & Strains
TECH-E	12/3/2011	Physical Fitness Exercises			Sprains & Strains
TECH-E	12/11/2011	Training			Sprains & Strains
TECH-E	12/29/2011	Emergency Medical			Sprains & Strains
TECH-E	12/29/2011	Fire Station			Lacerations & Contusions
TECH-E	1/8/2012	Training			Other Injury
TECH-E	2/3/2012	Physical Fitness Exercises			Sprains & Strains
TECH-E	2/17/2012	Emergency Medical			Sprains & Strains
TECH-E	2/18/2012	Training			Sprains & Strains
TECH-E	2/22/2012	Location Unknown (Other)			Other Injury
TECH-E	2/23/2012	Fire Station			Sprains & Strains
TECH-E	3/3/2012	Emergency Medical			Sprains & Strains
TECH-E	3/12/2012	Emergency Medical			Sprains & Strains
TECH-E	3/19/2012	Fire Station			Lacerations & Contusions
TECH-E	3/20/2012	Emergency Medical			Sprains & Strains
TECH-E	4/4/2012	Emergency Medical			Other Injury
TECH-E	4/7/2012	Structural Fire Suppression		Struck by Object	Sprains & Strains

TECH-E	4/14/2012	Structural Fire Suppression	Exposure to Fire Products	Heat
TECH-E	4/21/2012	Emergency Medical		Sprains & Strains
TECH-E	4/27/2012	Emergency Medical		Sprains & Strains
TECH-E	5/2/2012	Emergency Medical		Sprains & Strains
TECH-E	5/9/2012	Emergency Medical		Sprains & Strains
TECH-E	5/17/2012	Training		Sprains & Strains
TECH-E	5/18/2012	Emergency Medical		Other Injury
TECH-E	5/27/2012	Emergency Medical		Sprains & Strains
TECH-E	5/29/2012	Physical Fitness Exercises		Sprains & Strains
TECH-E	5/29/2012	Structural Fire Suppression	Overexertion, Strain	Sprains & Strains
TECH-E	6/2/2012	Emergency Medical		Sprains & Strains
TECH-E	6/9/2012	Responding to or Returning from Alarm		Eye
TECH-E	6/18/2012	Emergency Medical		Sprains & Strains
TECH-E	7/5/2012	Location Unknown (Other)		Sprains & Strains
TECH-E	7/6/2012	Fire Station		Lacerations & Contusions
TECH-E	7/26/2012	Fire Station		Cardiac Abnormalities
TECH-E	8/21/2012	Fire Station		Sprains & Strains
TECH-E	9/8/2012	Physical Fitness Exercises		Sprains & Strains
TECH-E	9/20/2012	Emergency Medical		Sprains & Strains
TECH-E	9/23/2012	Emergency Medical		Sprains & Strains
TECH-E	12/3/2012	Physical Fitness Exercises		Sprains & Strains
TECH-E	12/11/2012	Emergency Medical		Sprains & Strains
TECH-E	12/30/2012	Fire Station		Other Injury
TECH-E	1/2/2013	Location Unknown (Other)		Other Injury
TECH-E	1/31/2013	Training		Lacerations & Contusions
TECH-E	2/15/2013	Fire Station		Sprains & Strains
TECH-E	2/18/2013	Emergency Medical		Lacerations & Contusions
TECH-E	3/11/2013	Emergency Medical		Sprains & Strains
TECH-E	3/17/2013	Non-Structural Fire Suppression	Overexertion, Strain	Lacerations & Contusions
TECH-E	3/18/2013	Fire Station		Sprains & Strains
TECH-E	3/19/2013	Fire Station		Lacerations & Contusions
TECH-E	3/20/2013	Fire Station		Other Injury
TECH-E	3/21/2013	Fire Station		Sprains & Strains
TECH-E	3/21/2013	Responding to or Returning from Alarm		Lacerations & Contusions
TECH-E	3/27/2013	Emergency Medical	Struck by Object	Sprains & Strains
TECH-E	3/27/2013	Physical Fitness Exercises		Sprains & Strains
TECH-E	3/28/2013	Emergency Medical		Lacerations & Contusions
TECH-E	3/28/2013	Location Unknown (Other)		Sprains & Strains
TECH-E	4/8/2013	Non-Structural Fire Suppression	Struck by Object	Other Injury
TECH-E	4/22/2013	Emergency Medical		Fractures
TECH-E	4/27/2013	Physical Fitness Exercises		Sprains & Strains

TECH-E	4/27/2013	Training		Lacerations & Contusions
TECH-E	5/9/2013	Fire Station		Cardiac Abnormalities
TECH-E	5/10/2013	Fire Station		Cardiac Abnormalities
TECH-E	5/18/2013	Emergency Medical		Lacerations & Contusions
TECH-E	5/26/2013	Physical Fitness Exercises		Sprains & Strains
TECH-E	5/27/2013	Location Unknown (Other)		Sprains & Strains
TECH-E	5/28/2013	Training		Sprains & Strains
TECH-E	5/31/2013	Training		Heat
TECH-E	6/1/2013	Emergency Medical		Heat
TECH-E	6/4/2013	Emergency Medical		Lacerations & Contusions
TECH-E	6/20/2013	Emergency Medical		Sprains & Strains
TECH-E	7/27/2013	Training		Other Injury
TECH-E	7/29/2013	Emergency Medical		Sprains & Strains
TECH-E	7/31/2013	Emergency Medical		Sprains & Strains
TECH-E	8/3/2013	Emergency Medical		Sprains & Strains
TECH-E	8/4/2013	Training		Other Injury
TECH-E	8/7/2013	Emergency Medical		Sprains & Strains
TECH-E	8/30/2013	Location Unknown (Other)		Sprains & Strains
TECH-E	9/6/2013	Emergency Medical		Sprains & Strains
TECH-E	9/21/2013	Responding to or Returning from Alarm		Lacerations & Contusions
TECH-E	9/24/2013	Emergency Medical		Lacerations & Contusions
TECH-E	10/2/2013	Physical Fitness Exercises		Sprains & Strains
TECH-E	10/4/2013	Training		Eye
TECH-E	10/5/2013	Non-Structural Fire Suppression		Lacerations & Contusions
TECH-E	10/7/2013	Fire Station		Other Injury
TECH-E	10/8/2013	Fire Station		Lacerations & Contusions
TECH-E	10/20/2013	Fire Station		Lacerations & Contusions
TECH-E	10/28/2013	Emergency Medical		Sprains & Strains
TECH-E	10/31/2013	Non-Structural Fire Suppression	Stepped on, Contact with Object	Sprains & Strains
TECH-E	11/20/2013	Fire Station		Other Injury
TECH-E	11/28/2013	Emergency Medical		Sprains & Strains
TECH-E	12/5/2013	Location Unknown (Other)		Cardiac Abnormalities
TECH-E	12/22/2013	Training		Sprains & Strains
TECH-E	12/25/2013	Emergency Medical		Lacerations & Contusions
TECH-E	1/21/2014	Emergency Medical		Sprains & Strains
TECH-E	1/22/2014	Fire Station		Sprains & Strains
TECH-E	1/31/2014	Physical Fitness Exercises		Sprains & Strains
TECH-E	2/14/2014	Emergency Medical		Sprains & Strains
TECH-E	2/23/2014	Emergency Medical		Lacerations & Contusions
TECH-E	3/11/2014	Emergency Medical		Sprains & Strains
TECH-E	3/27/2014	Responding to or Returning from Alarm	Fall, Slipped, Jumped, trip	Sprains & Strains

TECH-E	4/15/2014	Physical Fitness Exercises			Sprains & Strains
TECH-E	4/24/2014	Responding to or Returning from Alarm			Sprains & Strains
TECH-E	4/30/2014	Responding to or Returning from Alarm			Other Injury
TECH-E	5/2/2014	Emergency Medical			Lacerations & Contusions
TECH-E	5/18/2014	Emergency Medical			Sprains & Strains
TECH-HM	11/2/2010	Fire Station			Sprains & Strains
TECH-HM	11/9/2010	Location Unknown (Other)			Cardiac Abnormalities
TECH-HM	11/20/2010	Emergency Medical			Sprains & Strains
TECH-HM	12/23/2010	HazMat Fixed Site			Sprains & Strains
TECH-HM	12/26/2010	Training			Lacerations & Contusions
TECH-HM	1/7/2011	Training			Lacerations & Contusions
TECH-HM	2/2/2011	Structural Fire Suppression			Lacerations & Contusions
TECH-HM	4/4/2011	Physical Fitness Exercises		Struck by Object	Lacerations & Contusions
TECH-HM	4/7/2011	Structural Fire Suppression		Extreme Weather	Sprains & Strains
TECH-HM	4/19/2011	Responding to or Returning from Alarm			Heat
TECH-HM	4/22/2011	Training			Lacerations & Contusions
TECH-HM	5/14/2011	Location Unknown (Other)			Sprains & Strains
TECH-HM	6/18/2011	Training			Other Injury
TECH-HM	7/11/2011	Emergency Medical			Heat
TECH-HM	7/13/2011	Structural Fire Suppression			Lacerations & Contusions
TECH-HM	7/15/2011	Responding to or Returning from Alarm		Stepped on, Contact with Object	Lacerations & Contusions
TECH-HM	8/17/2011	HazMat Fixed Site			Sprains & Strains
TECH-HM	8/17/2011	Technical Rescue			Sprains & Strains
TECH-HM	9/7/2011	Emergency Medical			Lacerations & Contusions
TECH-HM	9/29/2011	Fire Station			Sprains & Strains
TECH-HM	10/1/2011	Fire Station			Lacerations & Contusions
TECH-HM	10/9/2011	Fire Station			Lacerations & Contusions
TECH-HM	11/16/2011	Emergency Medical			Lacerations & Contusions
TECH-HM	1/4/2012	Responding to or Returning from Alarm			Sprains & Strains
TECH-HM	1/17/2012	Fire Station			Sprains & Strains
TECH-HM	1/30/2012	Location Unknown (Other)			Hostile Acts
TECH-HM	2/4/2012	Responding to or Returning from Alarm			Cardiac Abnormalities
TECH-HM	3/22/2012	Emergency Medical			Sprains & Strains
TECH-HM	4/5/2012	Structural Fire Suppression		Stepped on, Contact with Object	Heat
TECH-HM	8/3/2012	Fire Station			Sprains & Strains
TECH-HM	9/1/2012	Location Unknown (Other)			Sprains & Strains
TECH-HM	12/14/2012	Fire Station			Sprains & Strains
TECH-HM	1/27/2013	Emergency Medical			Lacerations & Contusions
TECH-HM	1/31/2013	Physical Fitness Exercises			Sprains & Strains
TECH-HM	2/1/2013	Physical Fitness Exercises			Sprains & Strains
TECH-HM	2/28/2013	Fire Station			Sprains & Strains
					Eye

TECH-HM	4/9/2013	Emergency Medical			Lacerations & Contusions
TECH-HM	4/9/2013	Emergency Medical			Sprains & Strains
TECH-HM	4/10/2013	Structural Fire Suppression		Fall, Slipped, Jumped, trip	Sprains & Strains
TECH-HM	4/13/2013	Emergency Medical			Sprains & Strains
TECH-HM	7/2/2013	Physical Fitness Exercises			Sprains & Strains
TECH-HM	7/31/2013	Fire Station			Sprains & Strains
TECH-HM	12/15/2013	Training			Other Injury
TECH-HM	12/16/2013	Training			Other Injury
TECH-HM	2/13/2014	Fire Station			Sprains & Strains
TECH-HM	2/25/2014	HazMat Transportation			Sprains & Strains
TECH-HM	3/13/2014	Training			Lacerations & Contusions
TECH-HM	4/21/2014	Emergency Medical			Sprains & Strains
Truck Driver	10/15/2012	Location Unknown (Other)			Lacerations & Contusions
USAR Civilian	4/27/2013	Training			Sprains & Strains
WH WORKER - DRIVER	11/16/2012	Location Unknown (Other)			Lacerations & Contusions
WH WORKER - DRIVER	2/25/2013	Location Unknown (Other)			Lacerations & Contusions
					Other Injury